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ABSTRACT

A congressional hearing on corporal punishment focused on the emotional and physical impact of corporal punishment on children in the classroom, and highlighted legislation (H.R. 1522) which would prohibit corporal punishment in educational programs funded by the federal government. Statements were presented by the following people: (1) Irwin A. Hyman, Director, National Center for the Study of Corporal Punishment and Alternatives in the Schools; (2) Marian Pokalo, Supervising Physician and Supervising Psychologist, Atlantic Mental Health Center, Atlantic City, New Jersey; (3) George Batsche, President, National Association of School Psychologists; (4) Frederick C. Green, Past President, National Committee for the Prevention of Child Abuse; (5) Arlene Zielke, Vice-President for Legislative Affairs, National Parent Teacher Association; (6) Jimmy Dunne, President, People Opposed to Paddling Students; (7) Robert Fathman, President, National Coalition to Abolish Corporal Punishment in School; and (8) Fredda Brown, Association for the Severely Handicapped. Prepared statements, letters, and supplemental materials related to the subject of corporal punishment are also included. (MM)

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HEARING ON CORPORAL PUNISHMENT

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HEARING

BEFORE THE

SUBCOMMITTEE ON SELECT EDUCATION

OF THE

COMMITTEE ON EDUCATION AND LABOR
HOUSE OF REPRESENTATIVES

ONE HUNDRED SECOND CONGRESS

SECOND SESSION

HEARING HELD IN WASHINGTON, DC, JUNE 18, 1992

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HEARING ON CORPORAL PUNISHMENT

WEDNESDAY, JUNE 18, 1992

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON SELECT EDUCATION,
COMMITTEE ON EDUCATION AND LABOR,
Washington, DC.

The subcommittee met, pursuant to call, at 10:30 a.m., Room 2261, Rayburn House Office Building, Hon. Major R. Owens, Chairman, presiding.

Members present: Representatives Owens, Payne, Pastor, Ballenger.

Staff present: Wanser Green, Robert MacDonald, Braden Goetz, Lynn Selmser.

Chairman OWENS. The hearing of the Subcommittee on Select Education will come to order.

The subject of today's hearing is the emotional and physical impact of corporal punishment on children in the classroom. We have legislation which would prohibit this barbaric practice in educational programs funded by the Federal Government.

Every year an estimated one million American school children are beaten, pinched, slapped, punched, whipped, paddled, thrown against walls, stuck with pins, locked in closets, forced to eat noxious substances, and abused in countless other creatively sadistic ways by teachers and school administrators across the country. This violence against children must cease.

In all public institutions in America except the classroom, the use of physical punishment is prohibited—in prisons and jails, in the armed forces, in hospitals and psychiatric facilities. The Federal Government has even prohibited zoos and commercial animal trainers from using corporal punishment to discipline animals. Only children sitting in the classroom are legal and acceptable targets for battery and abuse.

Who are these children who are hit and beaten at school? Research has established that the children who are most likely to be subjected to corporal punishment are those who are the least powerful and the most vulnerable. They tend to be the youngest children, chiefly in grades 1 through 4. They are black, Hispanic or other minorities. They are from low-income families, and they are children with disabilities, who are frequently punished precisely because of their disabilities. Corporal punishment is anything but an equal opportunity abuser.

What is most shocking about these daily acts of cruelty in our schools is that they are completely and utterly senseless. Corporal punishment simply does not work. All of the research tells us that

it does not promote better discipline, does not result in more orderly classrooms, it does not produce more obedient children. Many other disciplinary methods have been shown to be far more powerful and effective than corporal punishment in maintaining order in the classroom and in changing the behavior of disruptive or uncooperative students.

The Congress has historically imposed a number of restrictions and obligations on recipients of Federal educational funds in order to protect the rights and the well-being of children. These include protections against racial and gender discrimination, the requirement that children with disabilities be provided a free and appropriate education in the least restrictive environment, prohibitions against psychological testing without parental consent, and requirements that all student records be available for review by parents.

This hearing marks the beginning of the process to establish another fundamental protection for American schoolchildren; that is, physical safety in the classroom.

[The prepared statement of Hon. Major R. Owens follows:]

STATEMENT OF HON. MAJOR R. OWENS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW YORK

The subject of today's hearing is the emotional and physical impact of corporal punishment on children in the classroom and legislation (H.R. 1522) which I have introduced which would prohibit this barbaric practice in educational programs funded by the Federal Government.

Every year an estimated one million American schoolchildren are beaten, pinched, slapped, punched, whipped, paddled, thrown against walls, stuck with pins, locked in closets, forced to eat noxious substances, and abused in countless other creatively sadistic ways by teachers and school administrators across the country. This violence against children must cease.

In all public institutions in America except the classroom, the use of physical punishment is prohibited. In prisons and jails. In the armed forces. In hospitals and psychiatric facilities. The Federal Government has even prohibited zoos and commercial animal trainers from using corporal punishment to discipline animals. Only children sitting in the classroom are legal and acceptable targets for battery and abuse.

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What is most shocking about these daily acts of cruelty in our schools is that they are completely and utterly senseless. Corporal punishment simply does not work. All of the research tells us that it does not promote better discipline, result in more orderly classrooms, or more obedient children. Many other disciplinary methods have been shown to be far more powerful and effective than corporal punishment in maintaining order in the classroom and changing the behavior of disruptive or uncooperative students.

The Congress has historically imposed a number of restrictions and obligations on recipients of Federal educational funds in order to protect the rights and the well-being of children. These include protections against racial and gender discrimination, the requirement that children with disabilities be provided a free and appropriate education in the least restrictive environment, prohibitions against psychological testing without parental consent, and requirements that all student records be available for review by parents. This hearing marks the beginning of the process to establish another fundamental Federal protection for American schoolchildren: physical safety in the classroom.

Chairman OWENS. I am pleased to welcome as our first set of panelists Dr. Irwin Hyman, the Director of the National Center for the Study of Corporal Punishment and Alternatives in the Schools, Philadelphia, Pennsylvania, who will be accompanied by Dr. Marian Pokalo, supervising physician, Atlantic City Mental Health Center, Woodbury,, New Jersey; Dr. George Batsche, President of the National Association of School Psychologists, Silver Spring, Maryland; and Dr. Frederick Green, Past President, National Committee for the Prevention of Child Abuse here in Washington, DC.

Welcome. We have some time constraints. In addition to starting late, there are some pressing engagements that all of us have to attend after this hearing. I ask that you keep your testimony as close to 5 minutes as possible.

I want to begin with Dr. Irwin Hyman. Welcome back, Dr. Hyman. I think you testified at the first hearings we had on a similar bill.

Dr. Hyman.

STATEMENTS OF IRWIN A. HYMAN, ED.D., DIRECTOR, NATIONAL CENTER FOR THE STUDY OF CORPORAL PUNISHMENT AND ALTERNATIVES IN THE SCHOOLS, PHILADELPHIA, PA, ACCOMPANIED BY MARIAN POKALO, PH.D., SUPERVISING PHYSICIAN, SUPERVISING PSYCHOLOGIST, ATLANTIC MENTAL HEALTH CENTER, ATLANTIC CITY, NJ; GEORGE BATSCHE, ED.D., PRESIDENT, NATIONAL ASSOCIATION OF SCHOOL PSYCHOLOGISTS, SILVER SPRING, MD; AND FREDERICK C. GREEN, M.D., PAST PRESIDENT, NATIONAL COMMITTEE FOR THE PREVENTION OF CHILD ABUSE, WASHINGTON, DC

Mr. HYMAN. Thank you for the opportunity to be here. I might mention that in the next week each member of the committee will get a copy of my book *Reading, Writing and the Hickory Stick*, and, of course, in 5 minutes I couldn't review everything in that book.

The National Center has been in existence since 1976 and it would be impossible to go over all the kinds of things that we have done. Other people here will be talking about the effects of corporal punishment, alternatives and so forth. What we would like to do is look at one part of the story, and that is the effects of legally-sanctioned abuse in the schools. And, in doing this, we are going to show you some slides of cases of children with whom I have worked. Anybody here that can claim that this is not child abuse should think again about what child abuse is.

But, even worse, it is not the physical blows and the physical bruises that cause the long-lasting problems. It is the psychological after-effects of this kind of abuse.

So we would start with the first slide.

[Slide]

Dr. HYMAN. This is the battered buttocks of a 9-year-old from Georgia. You will note that the paddling was so severe that you can see the outline of the paddle where the deep red bruises end. This child has average intelligence and a learning disability. His symptoms 2 years after the abuse included recurring nightmares related to the trauma, avoidance of school and learning activities,

withdrawal, and intense anger and hatred regarding the teacher who did it and the school who supported her.

He is now an adolescent and suffers from a syndrome which we have identified as educator-induced post traumatic stress disorder, and I would be glad to answer more questions about that later. He dropped out of school, as have some of the other children with disabilities whom we have evaluated.

The interesting part of this case is that it went to Georgia Court of Appeals which ruled for the defendants, the School Board, and Presiding Judge Banke indicated on February 1, 1989 that "it is to be anticipated that corporal punishment will produce pain and potential for bruising."

[Slide]

Dr. HYMAN. The next slide shows what happened to a boy who had a learning disability. He was 14 years old at the time of the beating. When I saw him it was 2 years later. He still broke down crying when talking about it. He ended up having intense rage and anger at the school. He dropped out. And the last I talked to his parents, he was living on the streets, sleeping in a car.

[Slide]

Dr. HYMAN. The next slide shows what happened to a sixth grade boy from Wyoming when the teacher encouraged and then supervised the entire class while each of his classmates paddled him for not doing well enough on an arithmetic test. This is a child who previously had no emotional or learning problems. After the beating, he developed recurrent, unwanted thoughts of the event, a poor self-image, anxiety symptoms, and began to have problems with his peers. He lost interest in previously loved activities such as Boy Scouts and began to avoid school. He had developed a severe case of educator-induced post traumatic stress disorder.

[Slide]

Dr. HYMAN. This is a picture of a child who was tied with a rope in the State of Washington, and you can see the rope burns. He was tied for the whole day as a distorted form of time-out. You can see the rope burns midway down his waist there.

[Slide]

Dr. HYMAN. The next slide is Michael Waechter, who died from doing a drill, a run—it is called a gut run in Washington. His mother and father gave me permission to use the slide in their campaign to get rid of this type of corporal punishment, excessive drills. He had a heart condition. The school knew he had a heart condition and was told not to have him do—have the exercise, and because of him getting into a little argument with some otner kids, they made him do this gut run and he died from it.

In addition to these cases, Dr. Pokalo will just briefly talk about some of the other kinds of abuses that we have seen and what has happened to some of the children that we have evaluated.

Dr. POKALO. I do not have slides. However, I will give a description of some of these other cases.

Time-out is found in the research to be an effective form of discipline. However, taken to an extreme it can certainly be an extreme form of corporal punishment which can be categorized as abuse.

As one example of this excessive use of time-out, a 7-year-old girl from Washington State was having some difficulty staying in her

seat. The teacher imposed a time-out procedure on her, had her tied to her chair in the closet. The child was tied to the chair for several hours. Her memory of this is somewhat unclear. However, she does know that it went throughout the morning and she did miss lunch.

The traumatic part of her experience was that in the course of this she had soiled her pants, and that was a piece of the trauma for her. This child had a severe fear of school. She actually became somewhat school phobic. The mother was questioning whether she would have to keep her home and do home schooling. The child had sleep disturbance, and the family did come all the way from Washington State to Philadelphia to remediate the problem.

Another example, a boy from Connecticut, a pre-adolescent, had a disorder, a particular disorder in which the use of physical punishment is contraindicated. Anyone who knows this disorder knows that physical force is contraindicated as a form of punishment. However, in the school they somehow found it necessary to use this. The boy was helped up the stairs, although from what the boy discusses with Dr. Hyman and myself it was extreme use of punishment. That he was pulled up the stairs, had some encounter with school personnel in a room, and it only ended when the boy crawled under the desk and fell asleep.

This boy was severely traumatized. It was several years after the incident that we saw him and he remembered the incident in vivid detail. No question that he had been traumatized by this.

Just very briefly, another example. In Montana we had the opportunity to evaluate a number of youngsters who encountered an extreme form of discipline called racking in which the children are taken by the neck, the teacher grabs them and lifts them so that their toes dangle to the floor. These children had whiplash injuries. They also had other symptoms of post traumatic stress disorder such as sleep disturbance, many symptoms of conduct disorder. They had school phobia, and many of these children were actually withdrawn from the school by the parents.

Dr. HYMAN. In summary, some educators will say that these cases are exceptions to the rule and that this would never be allowed in their school. This is true. These are exceptions. Most paddlings do not cause these severe bruises. But who is to define "severe?" Shall we develop pain meters to measure the effects of each paddling? Should we measure the redness of the skin? Or should we have a rule such as they did in the courts of Florida that it is abuse only if the bruises last 6 days?

Obviously, local definitions of abuse do not protect children. Every one of these cases was defended by the teachers, their colleagues, by their administrators and by their school boards. Yet, they always say, "This couldn't happen in our school." And when it does they are defended by everybody in the system.

With that we will complete our testimony. In our written testimony we have covered a lot more in terms of the research on corporal punishment, the facts, material that started in 1979 in this book, which some of the people here are familiar with. So there is a lot of information.

There is absolutely no pedagogical, psychological or moral reason to continue the hitting and the infliction of pain on schoolchildren in the name of discipline.

Thank you.

Chairman OWENS. Thank you, Dr. Hyman.

[The prepared statement of Dr. Hyman follows:]

AMERICAN
PSYCHOLOGICAL
ASSOCIATION

TESTIMONY OF

IRWIN A. HYMAN, ED.D.
National Center for the
Study of Corporal Punishment
and Alternatives
Temple University

and

MARIANN POKALO, PH.D.
Atlantic Mental Health Center
Atlantic City, N.J.

on behalf of

THE AMERICAN PSYCHOLOGICAL ASSOCIATION

before the

UNITED STATES HOUSE OF REPRESENTATIVES

Committee on Education and Labor

Subcommittee on Select Education

June 18, 1992

PROHIBITION OF CORPORAL PUNISHMENT IN SCHOOLS

750 First Street NE
Washington, DC 20002-4242
(202) 336-5500

Mr. Chairman and Members of the Subcommittee, it is indeed a pleasure to be invited here today to testify on behalf of the American Psychological Association.

I am Dr. Irwin A. Hyman, Director of the National Center for the Study of Corporal Punishment and Alternatives (NCSCPA) and Professor of School Psychology at Temple University. Since 1957 I have been a teacher, a practicing and consulting school psychologist, a trainer of school psychologists, a researcher and a consultant to federal, state and local agencies and schools regarding discipline of students in regular and special education settings.

With me is Dr. Mariann Pokalo, Supervising Psychologist for the Atlantic Mental Health Center in Atlantic City, N.J. During the past 15 years Dr. Pokalo had conducted clinical and empirical studies of the effects of corporal punishment on children. She is an associate of the NCSCPA, a practicing psychologist and an expert on child abuse and children who set fires.

We will (1) offer a summary of what research has to say about corporal punishment, (2) present some case examples of corporal punishment which demonstrate that it sometimes amounts to legally sanctioned child abuse, (3) briefly summarize alternatives to corporal punishment and ways to prevent misbehavior and (4) offer the results of our analysis of why it is taking so long for policymakers to abolish the practice of inflicting pain on school children in the name of discipline.

The following is a summary of what we know about the infliction of pain as a method of educating children:

- Corporal punishment occurs more frequently in the primary and intermediate school levels (Hyman & Wise, 1979).

- Boys are hit more frequently than girls (Glackman, et al 1978; Russell, 1988, 1989).

- Minority and poor white children receive physical punishment four to five times more frequently than middle and upper class white children (Farley, 1983; Hyman, 1988b; Russell, 1988, 1989; Vargas-Moll, 1991).

- Most of the corporal punishment in America occurs in states in the South and Southwest -- Florida, Texas, Arkansas and Alabama have consistently been among the leaders in the frequency of hitting school children (Farley, 1983; Russell, 1989).

- The least use of corporal punishment occurs in schools in the Northeast (Farley, 1983; Russell, 1988).

- Contrary to popular belief, corporal punishment is not used as a method of last resort. In fact, studies suggest that corporal punishment is often the first

punishment used for nonviolent and minor misbehavior (Hyman, Clarke & Erdlen, 1987; Hyman & Clarke, 1991).

- There is evidence that corporal punishment is associated with school vandalism (Hyman & Wise, 1979; Sohn, 1980).

- In descending order of support for corporal punishment are school board members, school administrators, teachers, parents and students (Reardon & Reynolds, 1979; Little, 1992).

- Very violent children are almost always frequent recipients of severe corporal punishment at home. Since hitting at home doesn't help them, it is just as useless and counterproductive in school. The old saying that "violence breeds violence" is supported by this finding (Azrin, Hake & Hutchinson, 1965; Hyman & Wise, 1979; Pokalo, 1992; Strauss, 1989).

- Corporal punishment is forbidden in the schools of Continental Europe, Japan, England, Israel, the former communist nations, Ireland, Puerto Rico, 22 states, many suburban upper middle class schools and most of the largest cities of America (Hyman & Wise, 1979; Hyman, 1990).

- Teachers who frequently paddle tend to be authoritarian, dogmatic, relatively inexperienced, impulsive and neurotic as compared to their peers (Rust & Kinnard, 1983).

- Teachers who don't paddle are most often those who were rarely if ever spanked or paddled as children. This modeling effect has been repeatedly demonstrated. The more teachers were hit as children, the more they tend to hit their students (Lennox, 1982).

- People who indicate that they are Fundamentalists, Evangelicals, and/or Literalists tend to respond more punitively to disciplinary situations than those who identify with other religious orientations. Demographic studies of corporal punishment in schools support these findings (Barnhart, 1972; Pokalo, 1986; Wiehe, 1989; Greven, 1991).

- Schools with high rates of corporal punishment also have high rates of suspensions, and are generally more punitive in all discipline responses than schools with low rates of corporal punishment (Farley, 1983).

- Studies in West Virginia and Texas indicate that those principals who are most supportive of corporal punishment know the least about the research and literature on the subject. In fact they tend to justify their support on the "inconclusiveness" of the literature which they haven't read (Dennison, 1984; Risinger, 1989).

The following is a brief summary of the scientific research on corporal punishment (NCSCPAS, 1991).

- While corporal punishment temporarily suppresses behavior, it does not teach new behavior (Bongiovanni, 1979; Eron, Walter & Lefkowitz, 1971; McCord, 1988; Skinner, 1979).

- Punishment, in general, is not effective in promoting new learning. The overwhelming evidence suggests that reward, praise, and interactions with children which promote the development of a positive self concept are the most powerful motivators for learning (Hyman, 1990).

- Excessive use of corporal punishment in the classroom decreases learning (Lamberth, 1979) and self esteem (Hyman, 1987).

- Corporal punishment arouses aggression in recipients. This aggression may be against the teacher, peers or property (Azrin, Hake & Hutchinson, 1965; Bandura, 1973; Bandura & Huston, 1961; Bandura & Walters, 1963; Bongiovanni, 1979).

- The use of corporal punishment teaches children that violence is the way to solve problems. Research shows that this message is taught to those who inflict the pain, to those who receive it and those who witness it (Bandura & Walters, 1962; Hyman, 1990; Miller, 1980).

- The use of fear and pain are antithetical to the development of internal controls, and to the acquisition of the traits of honesty, integrity, and respect for others which we value in a democracy (Hyman, 1978; Hyman & D'Allesandro, 1984; Hyman, 1990; Miller, 1980; Oliner, 1978; Gil, 1970).

- Studies demonstrate that eliminating corporal punishment does not increase misbehavior (Farley, 1983).

- Mild to severe corporal punishment can result in a long lasting post traumatic stress disorder (PTSD) in some children and there is no way to predict which paddled children will become victims of this disorder (Hyman, 1990; Lambert, 1979).

- Even children who witness or hear someone being paddled can develop emotional stress symptoms, including fear of school (Hyman, 1990).

Our research continues to explore the demographics of maltreatment of school children (Lambert, et al., 1988; Vargas-Moll, 1991). A survey of students in a middle class high school in suburban Philadelphia indicated that at least 60% of the students experienced some stress related symptoms as a result of teacher maltreatment in terms of either physical or psychological assault. Ten percent of those (5% of the

school population) suffered symptoms of such intensity, duration, and frequency that they were likely suffering some level of PTSD. Other data from retrospective studies support these findings (Hyman, Zelikoff & Clarke, 1988).

Our studies of corporal punishment in school have led to some preliminary findings concerning the role of severe punishment in the home as a precursor to PTSD, which then leads to delinquent behavior (Hyman & Gasiewski, 1992; Pokalo, 1992). Since overly severe discipline is a major factor in a large majority of conduct disorders, societies' punitive responses only offer more of the same. Unless we treat the PTSD, along with the overt conduct problems, we will continue to have high recidivism.

Minority Children Are Hit Most

A recent study conducted under the auspices of the NCSCPAS examined the worst school experiences of a group of Hispanic school children who attended a large inner city school district (Vargas-Moll, 1992; Vargas-Moll & Hyman, 1992). The district's official policy bans the use of corporal punishment, yet the consequences of hitting children are unclear. Often, fellow teachers and administrators protect the perpetrator.

Using our research scale, Dr. Vargas inquired about the worst school experiences of a group of Hispanic school children. Seventy-eight percent of them reported an incident caused by an educator which resulted in some stress responses. Startlingly, 50% (40) of these students out of the sample of 105 surveyed reported that their worst school experience occurred when they were physically maltreated by an educator.

Some Case Examples

These slides show battered school children from around the country. While we will not identify these children, the pictures were given to us by their parents, with permission to use them to show the public what can happen when educators are allowed to beat children in the name of discipline. Dr. Pokalo and I have evaluated the psychological effects of the beatings of these children and many others. In every one of these cases, the perpetrators, their colleagues and the school boards claimed this was not abuse! Yet, through our research and clinical studies of these children, we have established the existence of a type of long lasting emotional damage which we define as Educator Induced Post-traumatic Stress Disorder (EIPTSD). This syndrome is well described in the book we gave you (Hyman, 1990).

The first slide shows a 9 year old from Georgia. You will note that the paddling was so severe that you can see the outline of the paddle where the deep red bruises end. This child has average intelligence and a learning disability. His symptoms, two years after the abuse, included recurring nightmares related to the trauma, avoidance of school and learning activities, withdrawal, and intense anger

and hatred regarding the teacher who did it and the school which supported her. He is now an adolescent and still suffers from EIPTSD. He dropped out of school, as have some other children with disabilities whom we have evaluated (Hyman, 1987; Hyman & Bogacki, 1984; Hyman, Zelikoff & Clarke, 1988; Lambert, et al, 1988). By the way, his offense was to tell another student to "shut up" after she said the same thing to him to stop him from reading out loud as he had been taught.

Like the families of most of the disabled children who are abused, this boy's family are working people with little resources. As is typical, this student's paddling was trivialized by school authorities (Hyman, 1990; Hyman, Fudell, Johnson & Clarke, 1985). Appropriate agencies which are supposed to protect citizens from assault refused to take remedial action (Hyman, 1990). However, the parents were fortunate to find counsel and they prepared court litigation against the school. The school requested summary judgment and the case, without ever reaching trial, ended in the Court of Appeals of Georgia which ruled for the defendants. Presiding Judge Banke indicated in a February 1, 1989 opinion that "it is to be anticipated that corporal punishment will produce pain and the potential for bruising" (A89A0183 - Maths et al v. Berrion County Schools, BA-21).

Here is the case of another learning disabled boy who eventually dropped out of school because of his rage at the frequent paddlings he had suffered. These bruises occurred when he was 14 years old and attending school in Ohio. When I evaluated him at the age of 18 he still cried when speaking of the event, he had intense periods of rage and anger, and he had given up on school. The last I heard from his family, he was living on the streets.

The next slide shows what happened to a sixth grade boy from Wyoming when the teacher encouraged, and then supervised, the entire class while each of his classmates paddled him for not doing well enough on an arithmetic test. This is a child who previously had no emotional or learning problems. After the beating he developed recurrent, unwanted thoughts of the event, a poor self-image, anxiety symptoms, and began to have problems with his peers. He lost interest in previously loved activities such as Boy Scouts and began to avoid school. He had developed a severe case of EIPTSD. The last slide is a picture of 12 year old Michael Waechter, who lived in Michigan before his death. Contrary to his doctor's orders, Michael was forced by his teacher to complete a disciplinary run. He dropped dead of a heart ailment which was known to the school and teacher. His parents agreed to the use of this photo in the hopes that it will help pass HR 1522.

From our clinical evaluations and our research, we now have severe corporal punishment. However, we never cease to be amazed and dismayed by the range of abuses visited upon school children in the name of discipline. We have seen cases of severe shaking, dragging, choking, tying to chairs and taping mouths, confinement for long periods in boxes, and forced exercise drills, among others.

Some educators will say that these cases are exception to the rule and that this

would never be allowed in "their" school district. This is true. Most paddlings do not cause severe bruises. But who is to define severe? Should we develop pain meters to measure the effects of each paddling? Should we measure the redness of the skin? Should we have a rule, such as did the Courts in Florida, that it is abuse only if the bruises last six days? Obviously, local definitions of abuse do not protect school children.

Why Current Controls of Abuse of School Children Don't Work

All of our demographic studies clearly establish that school children in certain areas of the country are continually at risk of abuse (Hyman & Wise, 1979; Hyman, 1990). Every example of abuse which you saw on the screen was defended by school authorities and fellow teachers. These abuses all occurred in schools where local traditions support the practice.

We have sufficient data to prove that local controls and state laws which allow the infliction of pain have failed (Hyman, Clarke & Erdlen, 1987; Hyman, Fudell, Johnson & Clarke, 1985; Hyman, Zelikoff & Clarke, 1988). Why should children who are poor, children who are minorities, and children with disabilities be at risk of long term emotional damage because they live in Georgia or Texas rather than California or New Jersey?

We frequently receive calls from parents who have moved from a no hitting state to one where their children can be hit by teachers whether or not parents object. The only thing I can recommend in some cases is to move, which is not an infrequent occurrence.

The federal government has a responsibility to uniformly protect the physical and emotional safety and civil rights of citizens, especially if they are powerless school children. Since we have clearly demonstrated the economic and racial correlates of corporal punishment, shouldn't this issue rise to the federal level as it has in most other civilized countries?

Historical Precedents and Personal Experiences

The justification for inflicting physical pain on children, lies deeply embedded in religion, tradition and personal beliefs about efficacy, (Greven, 1980, 1991; Jones, Gasiewski & Hyman, 1990; Pokalo, 1986; Wiehe, 1989). The reign of punitiveness that we have inherited from the Puritan's passion for punishment (Greven, 1980; 1991) is illustrated in the following quote from an essay by Nathaniel Hawthorne entitled "Endicott and the Red Cross" (Irving, 1992).

> In close vicinity to the sacred edifice [the meeting-house] appeared the important engine of Puritanic authority, the whipping post with the soil around it well trodden by the feet of evil doers who had been disciplined. At one corner of the meeting-house was the pillory, and at

> the other stocks; ... the head of an Episcopalian and suspected Catholic were grotesquely encased in the former machine; while a fellow-criminal, who had boisterously quaffed a health to the king, was confined by the legs of the latter ... [a] woman wore a cleft stick in the tongue, in appropriate retribution for having wagged that unruly members against the elders of the church ... There was likewise a young woman, with no mean share of beauty, whose doom it was to wear the letter A on the breast of her gown, in the eyes of all the world and her children. And even her own children knew what that initial signified (p. 25-26).

While we are psychologists, and not historians, the above offers a glimpse of the past which helps explain transgenerational patterns of thinking about punishment. The source of our punitiveness rooted in Puritanism and psychologically rooted in a cluster of authoritarian beliefs (Altmeyer, 1908; Barnhart, 1972; Jones, Gasiewski, & Hyman, 1990; Hyman, 1990; Miller, 1980). These beliefs are also tied to frontier myths of "rugged individualism" which foster violent solutions to personal problems. Yet, both history and psychological research indicate that, in the long run, punishment is not effective in changing people's behaviors and attitudes.

Public Policy Towards Misbehavior and Deviance

Most Americans would probably agree that 2 1/2 million reported cases of child abuse are too many, especially when much of it occurs in the name of discipline. In disciplining children, some believe that the more intense the pain, the less likely a misbehavior will be repeated. While this may be true with rats, it is more complicated with humans, especially when a trusted caregiver, the teacher, inflicts more pain than the parents would (Hyman & Wise, 1979; Hyman, 1980).

In the campaign against corporal punishment in schools it has become clear that public policy, especially in times of stress, relies unrealistically on punitive solutions to social and educational problems. Our studies suggest that when relative national wealth and potential resources are taken into account, we are probably one of the most punitive countries among the Western democracies (Children's Defense Fund, 1991; Hodgkinson, 1991; Kemper, 1991; National Committee for the Prevention of Child Abuse, 1991a, 1991b; The National Commission on Children 1991; Hyman & Pokalo, 1991, 1992). This, in part, would help to explain why we still let teachers hit students.

We ask that you reject the disproven beliefs and stop educators from using pain to teach children. If the infliction of pain by hitting, swatting, kicking and beating in the name of discipline and control is now illegal in every other institutional relationship, why should it not be illegal when it applies to teachers?

The Courts Will Not Offer an Adequate Constitutional Remedy

In the case of Ingraham v. Wright (45.U.S.L.W. 4364 [4/19/47]) the United States Supreme Court Almost certainly closed out the possibility of constitutional protection from abusive corporal punishment (Bacon & Hyman, 1979). While some might agree with the legal theory upon which Ingraham is based, the social science and pedagogical assumptions used to support the theories are based on false data and should be reconsidered (Hyman, 1978, 1988b, 1990; Hyman & Wise, 1979).

The influence of Ingraham on judicial rulings at the state and local level is well illustrated in a Texas case in which the Supreme Court allowed a Fifth Circuit ruling to stand (Cunningham v. Beavers, 858, F. 2nd 269 (5th Circuit). This ruling supports Texas regulations that allow corporal punishment of school children up to the point of "deadly force." The Supreme Court of North Carolina in Gaspherson v. Harnett County (75 N.C. App 23,28'330 S.E. 2nd. 589, 493 [1985] Appeal denied, 314 N.C. 539 [1985] relied on case law made in 1837 and 1904. They ruled that corporal punishment is allowed as long as the "beating is performed honestly in the performance of duty" and doesn't cause "long lasting mischief." Despite evidence of long lasting PTSD in the victim, the Court felt bound by nineteenth century understanding of psychic trauma (Garbarino, Guttman & Seely, 1986; Gelles & Straus, 1979; Gil, 1970; Hyman, Zelikoff & Clarke, 1988; Pynoos & Eth, 1985).

There are Sound, Effective Alternatives to Corporal Punishment

At the National Center we have identified problems that are embedded in the hundreds of programs to deal with misbehavior (Hyman & Lally, 1982; Hyman et al, 1992). Most teacher training programs in discipline are based on one, or a combination of these approaches. Our current research suggests that discipline can be understood within frameworks which are (1) behavioral/cognitive, (2) psychodynamic/interpersonal, (3) systems/ecological, (4) humanistic, (5) biophysical and (6) a process oriented approach (Hyman, et al, 1992). Based on our research and practice with the last approach, the following are offered as examples of effective techniques which do not require a lot of training.

Whenever possible, teachers should use INFORMATION FEEDBACK. They should reflect, restate and accept student's feelings and ideas. One does not have to approve of everything a student does or says, but can accept their thoughts and feelings as genuine.

Good teachers PRAISE AND REINFORCE GOOD BEHAVIOR. Effective teachers usually ignore minor misbehavior and use HUMOR effectively to de-escalate potential problems. If a teacher must punish children, LOSS OF PRIVILEGE should be used. This should be done in an unemotional manner.

Teachers should OBSERVE AND RECORD misbehavior. Good notes may lead to easy diagnosis of WHY students misbehave.

Teachers should make sure that CLASSROOM ECOLOGY facilitates good behavior. This includes appropriate curriculum for each child, consistent and fair rules, and effective seating patterns. A well organized classroom sets the climate for orderly behavior.

Teachers should encourage students to develop PROBLEM SOLVING STRATEGIES to deal with frustrating situations. They should have class meetings, and discuss movies, television, and newspaper accounts which suggest that physical aggression is an acceptable way to solve problems. By doing this, they can point out acceptable alternatives to aggression.

Teachers need to APPROPRIATELY EXPRESS FEELINGS. It is okay for one to be tired, short tempered and angry but it is not okay to take it out on students. When teachers are angry at a child's behavior, they should condemn the behavior, not the child.

Even in cases with severely disturbed children, it is not appropriate to hit them when they become aggressive or violent. When teachers are well trained and administrators well organized, schools have plans for the use of effective therapeutic restraint without hurting the student. Teachers can learn how to prevent actual aggression by students by learning techniques for defusing potentially violent situations.

A Cheap Way to Improve School Discipline

In this testimony, we have offered you something rather unique. We suggest an almost cost free, well researched, data based solution to improve school discipline. Our suggestion will save schools time and money resulting from growing litigation against abuses caused by teachers. It will end the only form of legally sanctioned physical child abuse in America. It will stimulate teachers to think about the real solutions to discipline problems, especially those which focus on prevention.

Allowing teachers to hit students only adds to the high levels of violence to which children are exposed in our society. This includes violence in homes, on the streets and in the media.

What we suggest is that the United States Congress join the governments of most civilized, advanced technological societies and forbid educators to physically punish our school children. We can find no objective evidence that the infliction of pain on school children serves any legitimate educational goal in contemporary society.

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Chairman OWENS. Dr. George Batsche.

Dr. BATSCHE. Chairman Owens and members of the subcommittee, I want to thank you for the opportunity today to testify in support of H.R. 1522. Chairman Owens has very articulately let us know what the purpose of the bill is and made a number of comments about the background, et cetera. As a matter of fact, Mr. Chairman, you made a number of the comments that I was going to make, so I have been sitting here scrambling to reorganize what it is I am going to say.

Chairman OWENS. I wanted to let you know we have read your testimony.

[Laughter.]

Dr. BATSCHE. Thank you. Appreciate it.

The points that I wish to make differ a little bit from what you have heard from my distinguished colleagues here. The issue is what is the goal of education and why is corporal punishment used.

Corporal punishment has reached epidemic proportions. The figures that you provided us Mr. Chairman, clearly reinforce that. The reason that it is reaching epidemic proportions is not because educators and others enjoy corporal punishment, but because of the behavior of students in the school has changed significantly over the last 10 or 15 years. Clearly the goal of education is to provide academic and social growth of students. However, students today come to school with a different set of skills than those of previous generations. They are products of a world of television, less parental supervision because most homes are either single parent or both parents are working in our economic times, and influenced by the peer group.

In fact, school personnel spend more time with your child and my child than peers, television and parents combined. Students watch on the average over 3 hours each day. By the time a child finishes elementary school, he or she has seen 8,000 murders, over 100,000 acts of violence, and the schools are spending between one-half and three-quarters of a billion dollars a year to repair the damage of the effects of violence and vandalism. In one month, 282,000 students are attacked, 525 in a month experience shakedown and robberies, 125,000 teachers are threatened each month, and 5,200 are physically attacked by students. So what we have now is an environment where with one million students being paddled—300 during this hearing alone—we have educators hitting students and students hitting educators. Clearly that is not an environment in which learning can occur, and one of the biggest impacts of corporal punishment is alienation from the school, reducing something called academic engaged time which significantly reduces educational achievement.

So, if the goal of education is the academic and social growth of students, then corporal punishment is antithetical to the national goals of education. And, national education goal number six is to provide a safe haven for students. With the statistics that the Chairman provided and the ones that I just gave, clearly this environment is not a safe haven where education is going to take place.

School psychologists have been in the forefront of helping students maximize their educational experience. We know firsthand that increasing academic achievement can only be accomplished when students feel that their school and those who are responsible for teaching them provide a safe haven, and they feel good about learning. It is clear that students who are corporally punished are less engaged in their studies and more likely to fail.

I am going to give you a scenario. I debated whether to do this or not, but I am going to. I work as a school psychologist in a district of about 65,000 students, and I work in a school that describes exactly the school that Mr. Owens indicated in terms of the range of age of kids, kindergarten through fourth or fifth grade. This school is 92 percent free lunch or federally reduced lunch, racially mixed, in Florida, the State that Dr. Hyman referenced relative to the abuses of corporal punishment. Prior to the abolition of corporal punishment for a 2-year period of time in a school of 600 students we had 750 major behavior problem referrals to the office each year. Seven hundred and fifty in a school of 600 where corporal punishment was the primary method of discipline, along with suspension, expulsion and grade retention.

Although the school had the choice, and the State provides the choice for schools to use or not use corporal punishment, the choice in this country historically was never picked up on. Corporal punishment is the first line of discipline in most schools, and unless it is banned, historically there is no evidence to believe that the choice will be picked up on.

So, for a 2-year period, corporal punishment was banned in the school and we brought in alternatives. I just want to provide you some quick statistics. Prior to the alternatives, which are delineated in my testimony, we had 300 cases of disobedience. Without the corporal punishment and with the alternatives, it went to 53. Fighting, 215 cases with corporal punishment. Without and the alternatives, 60. Major disruptiveness to teachers, 66 with corporal punishment, 8 without. And we went from suspending 13 percent of the students, following in many cases corporal punishment, to suspending 3 percent. And we went from retaining 14 percent of the students to retaining less than 1 percent. Clearly, alternatives exist. Alternatives will not be picked up on unless a ban is imposed. We have no data to support that it will occur otherwise.

Therefore, as Dr. Hyman indicated, we have no known reason to continue it. We know that unless it is banned it will continue. We know that when it does continue students' academic achievement is lower, disruptiveness, aggression, fighting, suspension, expulsion are higher, and that the alternatives have a major effect on increasing academic achievement and returning schools from battlegrounds to safe havens.

Mr. Chairman and members of the subcommittee, fear and academic progress cannot coexist. Each of us is well aware, particularly during this election year, of the rhetoric on education, and the rhetoric is not providing the solutions. We have some delineated in this testimony. America's children increasingly turn to their school as a place of solace and refuge. Pupils trust us. Corporal punishment is never in the best interest of students, nor is corporal punishment effective or necessary. It represents a giving up by educa-

tors. The skills required to beat children are few. The skills required to teach children are many. Help us to teach the children, not to beat them.

NASP urges your support for H.R. 1522. And I thank you on behalf of my Association for the time that each of you is taking in this endeavor. Thank you.

Chairman OWENS. Thank you.

[The prepared statement of Dr. Batsche follows:]

Testimony of George Batsche, Ed.D, NCSP, President
National Association of School Psychologists
Subject: H.R. 1522
A Bill to Abolish Corporal Punishment in the Schools

Presented to the Subcommittee on Select Education
Committee on Education and Labor
United States House of Representatives
June 18, 1992

Chairman Owens and Members of the Subcommittee:

Thank you for the opportunity to present testimony to you on H.R. 1522, a bill to abolish corporal punishment in our nation's schools. My name is Dr. George Batsche and I am President of the National Association of School Psychologists (NASP). NASP represents over 16,000 school psychologists and related professionals nationwide and internationally. Our organization is the largest body of its type in the world, and our primary purpose is to serve the education and mental health needs of all children and youth.

Mr. Chairman, I would like to thank you for taking leadership in introducing H.R. 1522, which would deny funds to educational programs that allow corporal punishment. The bill does make exceptions for reasonable and necessary uses of physical restraint to: protect self, a child, or others from physical injuries; to obtain possession of a weapon or other dangerous object; or to protect property from serious damage. As a result, teachers, school administrators, and other students are adequately shielded from potential harm. We see H.R. 1522 as a critical step toward both the protection of children from the threat of physical abuse and the assurance that all school children in the United States may learn in an environment that promotes their personal and social well-being.

Because school psychologists are at the forefront of helping students maximize their educational experience, we know first-hand that increasing academic achievement can only be accomplished when students feel that their school and those who are responsible for teaching them, provide a safe haven which is conducive to learning. Increasing academic achievement and providing a safe learning environment are included in the Nation's education goals, a move which we applaud. The research conducted by our members and the day-to-day work of school psychologists with children in the schools has led us to conclude that students who are corporally punished are less engaged in their studies and more likely to fail.

The abolition of corporal punishment in the schools is a top priority for our Association. It is our firm belief that corporal punishment, the intentional infliction of physical pain upon a student as a means of controlling behavior, is an outdated, unnecessary and ineffective disciplinary technique. The belief that corporally punishing students is an effective way to educate can no longer be substantiated. Students of the 90's are of a different generation. In fact, today's schools feature collaboration between teachers, administrators, and pupil service personnel who are trained in methods which focus on how best to motivate children to enjoy learning. For example, today's school psychologist is trained to provide consultation to teachers on effectively dealing with social and behavioral problems. In addition, school psychologists are trained to help parents and administrators better understand child development and how it relates to learning. Further, there are effective techniques which school psychologists and other pupil service personnel can share with teachers in classroom management.

Mr. Chairman, corporal punishment is not one of those methods which our Association believes can effectively be used in either disciplining or improving the learning of today's students. Many educators cling to the belief that the use of corporal punishment is an appropriate and sometimes necessary, means of controlling classroom behavior. However, a large body of research indicates that corporal punishment may cause long lasting psychological damage (see Appendix A). Positive discipline leads and directs behavior while abuse threatens and coerces through fear. There are many humane, non-violent alternatives to corporal punishment which are presently employed by a number of our nation's school systems. If we are to prevent the further pain, humiliation, and intimidation of our nation's children, the practice of corporal punishment in schools must be completely eliminated.

Believe it or not, in our nation's schools, it is estimated that over 1,000,000 students are victims of corporal punishment each year (U.S. Department of Education, 1988). This means that over 3,500 children may be victimized every day; nearly 300 during this hearing alone. Children who are most often the recipients of corporal punishment are male, minority, economically disadvantaged, and those with learning and/or physical disabilities. A study done by the U.S. Department of Education in 1988 revealed that minority and male school children were twice as likely as their peers to receive paddlings from educators. Corporal punishment occurs more frequently at the primary and intermediate levels than at the secondary level because these children are smaller, younger, and less likely to retaliate (Hyman, 1990).

Although the use of corporal punishment has been outlawed in 22 states, the District of Columbia, Puerto Rico, and in many major cities, this practice is still allowed in many areas of the United States, particularly in the South and Southwest (See Appendix B). Contrary to popular belief, corporal punishment is not used as a last resort in dealing with students' behavior problems. According to the National Coalition to Abolish Corporal Punishment in Schools (1991), corporal punishment is often the first punishment imposed for minor and/or nonviolent misbehavior.

There are many well-documented cases of children being hurt so severely in school that had the same punishment been inflicted at home, the parents could have been convicted of child abuse (Splitt, 1988). It is ironic that school systems are required to report cases of parental child abuse to legal authorities while at the same time they are legally permitted to inflict the same physical pain.

Facts about the catastrophic effects of corporal punishment have prompted us to pass laws to protect children from violence in all publicly related institutions (such as foster homes, correctional institutions, and mental health facilities) except the public schools. In some states, an educator may legally spank, paddle, or shake a child, yet it is unlawful to treat an adult prisoner in the same manner. Certainly children deserve as much consideration as criminal offenders.

Educators often use corporal punishment because it is a swift and readily available technique for controlling children. There is no scientific evidence to substantiate that corporal

punishment has any long term positive effect on changing behavior. In fact, research indicates that punitive techniques such as corporal punishment are, in the long run, both ineffective and counterproductive (Bongiovanni, 1979; Dubanoski, et al., 1983; Hyman, 1990; Welsh, 1985). The overwhelming conclusion in the psychology and education literature is that the use of corporal punishment on children has damaging consequences in terms of learning, motivation, and self-esteem. Corporal punishment does not educate, it only injures.

As a result of many changes in our society today, children are coming to school with fewer social skills. These children have the skills to survive on the streets, skills learned from peers and television, skills learned from being a "latch key" child, and skills learned from being one of several siblings in a single-parent home. Although these skills may serve children well outside of school, these same behaviors result in discipline and corporal punishment in school. Corporal punishment operates on the assumption that punishment serves as a reminder to the child to stop engaging in negative behavior and to start using positive behavior. This assumes children have the skills to choose the correct behavior. Many do not. For this reason, corporal punishment is an anachronism in our schools today. Children either lack the skills to behave appropriately or have a set of skills that do not work in school. Therefore, students need to be taught appropriate behavior, not corporally punished. Education must include teaching students how to get along, how to resolve conflict, how to control anger and how to accept authority. Corporal punishment as a teaching tool facilitates anger, hostility, retaliation, and violence in schools.

The use of corporal punishment teaches children several very negative and potentially dangerous messages: that violence is the way to solve problems; that it is acceptable to be hurt by someone who cares for you; and that it is okay, especially when you are angry, to hit someone smaller or less able to defend themselves. Research shows that these messages are internalized by those who inflict the pain, those who receive it, and those who witness it (NCACPS, 1991). Later in life, these children may allow themselves to be hit by spouses or may themselves be the aggressors as a result of their conditioning that such violence is acceptable. Very violent children are also frequently the recipients of corporal punishment at home, suggesting that abuse in turn begets further abusive behavior.

An argument frequently used in defense of corporal punishment is that educators need to use it to maintain order in the schools. This is simply not the case. Schools in many states and cities have functioned for decades without resorting to physical punishment. New Jersey, for example, has not allowed corporal punishment since 1867! In a 1989 survey of Ohio school superintendents in districts banning corporal punishment, 12 behavior management practices were cited as working better than corporal punishment. In the majority of schools within these districts, the ban on corporal punishment did not lead to a worsening of student behavior. Research also reveals that in those school districts which permit corporal punishment, children's behavior is often handled inconsistently. Some schools use it on more than half of the students, while other schools in the same district manage student behavior as effectively without resorting

to physical violence ("Rules govern," 1988). Obviously, corporal punishment is not a necessary tool for controlling students' behavior.

NASP advocates a positive, preventive approach to school discipline. Alternatives to corporal punishment which are short-range solutions (that can be implemented immediately) and long-range measures are necessary to accomplish this. Pupil services personnel, teachers, parents, and students should collaborate on the development of disciplinary policies. These should be applied appropriately and consistently in order to be effective. The primary goal of such policies should be to teach positive social behavior and to prevent misbehavior rather than punishing after a problem has already occurred. A variety of classroom management techniques can be applied that help in the prevention of disciplinary problems (NASP, 1986). A few examples include:

- Social skills training
- Conflict resolution training
- Refusal skills training for drugs, alcohol, peer pressure
- Peer mediation
- Building home-school partnerships
- Structuring classroom activities, with student input
- Clearly specifying rules at the beginning of the year and revising them as necessary
- Giving attention when students are acting appropriately
- Providing praise whenever possible
- Providing children with many opportunities to succeed
- Modifying curricula to meet the individualized needs of students so that they are sufficiently challenged but not overwhelmed

While it is recognized that prevention is the most effective approach to discipline, punishment is sometimes considered an appropriate response to a student's actions. Some alternative forms of punishment include:

- Removing adult and peer attention from the child
- Imposing natural consequences (e.g., washing desks for writing graffiti on a desk)
- Removing the student from the situation in which they misbehaved
- Requiring restitution in the form of time (e.g., after school detention) or property (replacing property that was broken)
- Removing privileges or desired activities

Mr. Chairman and members of the Subcommittee, fear and academic progress cannot co-exist. America's children increasingly turn to their school as a place of solace and refuge. Pupils trust that educators, whom they see as older and presumably wiser, will act with their best interests at heart. Corporal punishment is never in the "best interest" of the child since it only leads to pain, fear, humiliation, and loss of self-esteem. Nor is corporal punishment effective or necessary in controlling classroom behavior; many non-violent and more effective alternatives exist. NASP urges your support for H.R. 1522 to prevent the continuing cycle of brutality which is perpetuated through corporal punishment and we stand ready to assist the Congress in whatever way possible in hopes that you will soon pass this critical legislation.

Thank you.

APPENDIX A

Research on Corporal Punishment

RESEARCH ON CORPORAL PUNISHMENT

Children who were physically punished were three times more likely to severely and repeatedly assault a sibling (Straus, 1990).

The more physical punishment the individual experienced as a child, the higher the probability of assaulting a spouse. This applies to both men and women (Straus, 1990).

The more physical punishment experienced as a child, the higher the proportion of physical aggression by the individual outside of the family (Straus, 1990).

Source: Straus, Murray A., Gelles, Richard J., Eds, Physical Violence in 8,145 Families. New Brunswick, NJ: Transaction Books, 1990.

Role modeling and social learning theory have linked corporal punishment and aggressiveness.

Source: Bandura, A.: Aggression: A Social Learning Analysis., Englewood Cliffs, N.J., Prentice-Hall, 1973.

School corporal punishment leads to psychological maltreatment including traumatic stress syndrome.

Source: Hyman, I., Psychological Abuse in Schools: A school psychologist's Perspective. Paper presented to the Annual Convention of the American Psychological Association. Los Angeles. 1985.

States where corporal punishment is allowed generally have higher dropout rates and lower achievement.

Source: Annual wall charts distributed by the U.S.Department of Education up to 1990.

Compiled by: Ohio Center for More Effective School Discipline
Columbus, Ohio

EFFECTS OF CORPORAL PUNISHMENT

Many studies have shown the harmful effects of corporal punishment in schools.

1. **•Corporal punishment increases vandalism**

   Hardy, G. & Miller, V. Vandalism and Corporal Punishment, quoted in Paddles Away, by A. Maurer Palo Alto: R&E Research Associates, 1981 (out of print)

   Wallerstein, J.S. Vandalism: A Statistical Study of Fifty-five Junior High Schools The Last Resort v. 11, #3 p. 12, 1983

2. **•Corporal punishment stimulates violence, aggression, and bullying.**

   Cryan JR. The banning of corporal punishment: in child care, school and other educative settings in the United States. Child Educ. 1987;63:146-153

   Bongiovanni A. An analysis of research on punishment and its relation to the use of corporal punishment in the schools. In: Hyman IA, Wise JH, eds. Corporal Punishment in American Education. Philadelphia, PA: Temple University Press; 1979

   Bongiovanni A. A review of research on the effects of punishment: implications for corporal punishment in the schools. Proceedings of Conference on Corporal Punishment in the School: A National Debate. Washington, DC: National Institute of Education Contract NIE-P77-0079; 1977

   Dubanoski RA, Inaba M, Gerkewicz K. Corporal punishment in schools: myths, problems and alternatives. Child Abuse Neglect. 1983;7:271-278

   Straus, Murray A. and Gelles, Richard J. Physical Violence In American Families: Risk Factors and Adaptations to Violence in 8,145 Families. New Brunswick, NJ: Transaction Publishers, 1990

   Welsh, R. Delinquency, Corporal Punishment and the Schools National Council on Crime and Delinquency. Hackensack, .J. 1978

3. **•Corporal punishment stimulates violence, crime and delinquency.**

   Maurer, A. Aftermath of Physical Punishment The Last Resort. V.9 #2 P. 8, 1980. EVAN-G, 977 Keeler Ave, Berkeley, CA 94708

   Abused Children Grow Into Criminals. California State Commission on Crime Control 1981

Welsh, Ralph S. Spanking: A Grand Old American Tradition? Children Today. Jan-Feb. 1985, Volume 14 Number 1: 25-29.

Welsh, Ralph S. Severe Parental Punishment and Delinquency: A Developmental Theory. Journal of Clinical Psychology. V-5, N.1, Spring, 1976: 17-21

4. **•Corporal punishment causes emotional disorders.**

Maurer A. Corporal PUnishment. Am Psychol. 1974;29:614-626

Hyman, I, Ed.D. Psychological Abuse in the Schools: A School Psychologist's Perspective. National Association of School Psychologists, Communique, Vol 15, No. 3

Hyman, I, Ed.D. Eliminating corporal punishment in schools: moving from advocacy research to policy implementation. Child Legal Rights Journal. 1988;9:14-20

American Medical Association Proceedings of the House of Delegates. Board of Trustees Report AA: corporal punishment in schools. Chicago, IL: June 1985:88-92

5. **•Corporal punishment endangers a student's health and may cause permanent physical injury.**

Wessel, M.A. Pediatrics, Hartford Ct, Courant, March 25, 1980

Resolution, Society for Adolescent Medicine, Granada Hills Ca.

Hypovolemic Shock in a child as a consequence of Corporal Punishment, Pediatrics Vol 87 No 4, April 1991, Hartford, Conn

Maurer, Adah, Ph.D. and Taylor, Leslie, M.D. Think Twice: The Medical Effects of Physical Punishment, EVAN-G, 977 Keeler Ave, Berkeley, CA 94708

Compiled By:
Ohio Center for More Effective School Discipline
Columbus, Ohio 9/91

APPENDIX B

States Which Prohibit Corporal Punishment (including DC and Puerto Rico)

Alaska	Massachusetts	North Dakota
Arizona	Michigan	Oregon
California	Minnesota	Puerto Rico
Connecticut	Montana	Rhode Island
District of Columbia	Nebraska	South Dakota
Hawaii	New Hampshire	Vermont
Iowa	New Jersey	Virginia
Maine	New York	Wisconsin

Major cities in states which permit corporal punishment have also prohibited the practice, including:

Albuquerque	Fort Wayne	Spokane
Atlanta	Huntsville	St. Louis
Baltimore	Laramie	Topeka
Boulder	Little Rock	Urbana
Charleston	Miami	Walla Walla
Chicago	New Orleans	Wichita
Cincinnati	Philadelphia	
Cleveland	Pittsburgh	

APPENDIX C

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Rules govern paddling in schools. (1988, May 5). The Tennesean, p. B1.

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U.S. Department of Education, Office of Civil Rights (1988). Elementary and secondary school civil rights survey, national and district summaries. Washington, DC: Department of Education.

Welsh, R.S. (1985, February). Spanking: a grand old American tradition? Children Today. pp. 25-29.

Chairman OWENS. Dr. Frederick Green.

Dr. GREEN. Mr. Owens, members of the subcommittee, first of all let me say how much I admire and appreciate your taking on this very difficult and sometimes controversial subject. I have always heard that politicians are concerned primarily with the next election, and statesmen are concerned with the next generation, and I believe this is an exercise in statesmanship and I appreciate the opportunity to be here before you. I am pleased to support H.R. 1522, a bill to outlaw corporal punishment in schools and all programs.

For the past three decades, I have been a serious student of the causes, manifestations, prevention and consequences of child maltreatment in its many forms. Therefore, I am opposed to the use of violence against children under all circumstances, particularly as a method of altering children's behavior.

I recognize that there are those who honestly believe that corporal punishment is a natural and traditional way to correct unacceptable behavior in children. As a practicing pediatrician, innumerable times I have heard comments such as, "My parents and teachers whipped me and it did me no harm," ergo, it is good for my own children, or "Children need to be whipped now and then so that they will remember who is the boss." Further, I am quite familiar with the numerous biblical citations used to buttress these beliefs. However, I believe that the current empirical evidence indicates they are in error. I refuse to believe that the many people who have grown to adulthood without ever being whipped have become raving sociopaths, nor do I believe that everyone who has been on the receiving end of corporal punishment have become outstanding, problem-free adults.

Moreover, I refuse to lay a heavy burden of guilt on overly-stressed parents, sometimes single-parent mothers, who are doing their very best to survive in a difficult and hostile society, and were reared in a way that accepted corporal punishment as part and parcel of their child-rearing experiences. My response as a child-care provider is to demonstrate and to prove to them that there are effective and non-violent ways to modify the behavior of children.

In 1988, in an address I gave before the National Conference to Abolish Corporal Punishment, I noted that the essence of corporal punishment was the infliction of pain and humiliation, and one can never describe either pain or humiliation as being developmentally enhancing. Quite to the contrary, all evidence indicates that there is a great potential for physical and developmental damage. The short-term lessons of corporal punishment is that the behavior modification will disappear when the threat of punishment ceases. The result of teaching by fear simply makes one careful to avoid detection and does nothing to enhance their inner controls. The long-term lessons they learn is that might is right and the best way to solve a dispute is through physical force—issues that have been clearly spoken to by my fellow panelists here.

The physical and emotional damage done to children by corporal punishment is completely preventable and should be unacceptable in a civilized society. Being a pediatrician specifically concerned with child maltreatment, I cannot ignore the fact that for a number of deviant adults spanking the buttocks is a source of

sexual gratification and sensual arousal. It is really intolerable for this type of activity to be aided and abetted by the policies and regulations of our society.

Recognizing that approximately 10 percent of adults and a like number of children are in need of psychological or other mental health services and that teachers are not exempt from these statistics, there should be real concern when such an afflicted teacher must deal with a similarly afflicted child. It is almost certain that such a scenario is a precursor to more serious assaults that could lead to death or disability. We have enough problems today with parents incapable of providing proper nurturance without continuing to support policies that do absolutely nothing to reduce the risk potential of our vulnerable children.

There are effective alternatives to corporal punishment, as has been noted before, and I note that Drs. James Comer and Alvin Poussaint, in their book on Black Child Care, pose the question that faces us today: "If a child can achieve good control without spanking, why spank?" Further they suggest, "Take time . . . come close . . . look directly at the child while making your displeasure and expectations known. . . . You can motivate your child to take responsibility for his or her behavior in a way spanking will never do." In essence, they suggest that the long-term control of undesirable behavior can be achieved with patience, talking to the child and letting him or her know that it is the act you consider bad, not the child as a person who is bad.

As a matter of fact, last night when preparing for this I was reading a book, James Baldwin and Margaret Mead's book, *The Rap on Race.* I noted Baldwin had a quotation in there that indicated children have never been good at listening to their elders, but they have never failed to emulate them. And certainly in emulating their elders that includes the teachers.

Alternatives to corporal punishment in schools have been clearly and comprehensively documented in the literature. I would simply point out that the *National Committee for the Prevention of Child Abuse Working Paper 017* stratifies alternatives by strategies for schools and communities, and the *National Education Association Report of the Task Force on Corporal Punishment* divided their many recommendations into short, intermediate, and long-range solutions, and the many recommendations of my colleague and friend, Dr. Hyman.

The judicial system has been far from effective in addressing the problems of corporal punishment in schools. A good example is the 1977 Supreme Court ruling in Ingraham v. Wright that Eighth Amendment protection against cruel and unusual punishment did not apply to schools because schools are supervised by their communities and have built-in safeguards. In essence, they said that schools are the sole public institution legally allowed to administer physical punishment.

Unfortunately, these community safeguards did not work in the 1989 U.S. Supreme Court case Cunningham v. Beaver when the Court declined to hear the case brought on behalf of two kindergarten girls in Jacksonville, Texas, who were paddled with a board for giggling in the hallway and were badly injured.

In summary, I support this legislation because we cannot continue to condone practices in our schools and custodial institutions that are contrary to our national policy of eliminating child abuse in our society.

In 1985, the *Surgeon General's Workshop on Violence and Public Health* reported that a major campaign should be carried out with the help of the media to reduce the public acceptance of violence, in general, and violence against children, in particular, including physical punishment. The American people should come to understand and agree that corporal punishment of children in the schools should be abolished.

On June 16, 1992, 3 days ago—2 days ago, I saw the present Surgeon General, along with a representative of the American Medical Association, again warn us of the escalating violence in our society, particularly against women and children.

How often do we have to be warned? I believe now is the right time for Congress to speak out against sanctioned violence in a meaningful way by enacting H.R. 1522.

I thank you very much, Mr. Chairman, for allowing me this opportunity, and I do want to thank the staffs of the Coalition Against Child Abuse, the National Committee for Prevention of Child Abuse, and the American Academy of Pediatrics for providing me with the information.

Chairman OWENS. Thank you.

[The prepared statement of Dr. Green follows:]

STATEMENT OF DR. FREDERICK C. GREEN, M.D., F.A.A.P.

Congressman Owens and members of the Subcommittee on Education, I appreciate the opportunity to testify before you today on a subject of critical importance in ameliorating brutality targeted towards children in schools and custodial settings.

My name is Dr. Frederick C. Green. I am an Emeritus Professor of Pediatrics at The George Washington University Medical Center and the Immediate Past President of the National Committee for the Prevention of Child Abuse. I am pleased to appear before you to support H.R. 1522, a bill to outlaw Corporal Punishment (CP) in schools and all programs receiving Federal Education Funds.

For the past three decades, I have been a serious student of the causes, manifestations, prevention and consequences of child maltreatment in its many forms. Therefore, I am opposed to the use of violence against children under all circumstances, particularly as a method of altering a child's behavior.

I recognize that there are those who honestly believe that CP is a natural and traditional way to correct unacceptable behavior in children. Innumerable times I have heard comments such as, "My parents and teachers whipped me and it did me no harm," ergo, it is good for my own children, or "Children need to be whipped now and then so that they will remember who is the boss!!!" Further, I am quite familiar with the numerous biblical citations used to buttress these beliefs; however, I believe that the current empirical evidence indicates they are in error. I refuse to believe that the many people who have grown to adulthood without ever being whipped have become raving sociopaths, nor do I believe that everyone who has been on the receiving end of CP have become outstanding, problem-free adults.

For our purpose, Corporal Punishment is defined as the intentional infliction of pain or discomfort by an official of the educational system upon a student as a penalty for unsatisfactory behavior. In addition to hitting a child, other forms of violence such as pinching, ear pulling, vigiorous shaking or slamming them against walls or into their seats must be considered within this context.

In 1988, in an address I gave before the National Conference to Abolish Corporal Punishment in Schools, I noted that the essence of CP is the infliction of pain and humiliation on another person. One can never describe either pain or humiliation as being developmentally enhancing. Quite to the contrary, all evidence indicates that there is a great potential for physical and developmental damage. The short-term lesson of behavior modification will disappear when the threat of punishment

ceases. The result of teaching by fear simply makes one careful to avoid detection and does nothing to enhance their inner control. The long-term lessons they learn is that might is right and the best way to solve a dispute is through physical force. These latter lessons are precisely the ones responsible for our current crisis of violence and the inundation of our criminal justice system.

It has been estimated that about 2 million students/year are physically punished in school and approximately 10-20,000 students/year (1-2 percent of all recipients) require medical evaluation and treatment. I cannot be certain that this represents only those students living outside of the 23 States, the District of Columbia and Puerto Rico where CP is banned by law.

The physical and emotional damage done to children in this way is completely preventable and should be unacceptable in a civilized society. Being a pediatrician specifically concerned with child maltreatment, I cannot ignore the fact that for a number of deviant adults, spanking the buttocks is a source of sexual gratification and sensual arousal. It is really intolerable for this type of activity to be aided and abetted by the policies and regulations of our society.

Recognizing that approximately 10 percent of adults and a like number of children are in need of psychological or other mental health services and that teachers are not exempt from these statistics, there should be real concern when such an afflicted teacher must deal with a similarly afflicted child. It is almost certain that such a scenario is a precursor to more serious assaults that could lead to death or disability. We have enough problems today with parents incapable of providing proper nurturance without continuing to support a policy that does nothing to reduce the risk potential of our children.

The equating of discipline with CP is fallacious. The root of the word discipline is disciple and a disciple is an individual who is a pupil or adherent of a different doctrine and persuasion not force is implied.

There are effective alternatives to CP for altering inappropriate behavior. Drs. James Comer and Alvin Poussaint, in their book on Black Child Care, pose the question that faces us today: "If a child can achieve good control without spanking, why spank?" Further they suggest, "Take time ... come close ... look directly at the child while making your displeasure and expectations known. ... You can motivate your child to take responsibility for his/her behavior in a way spanking will never do." In essence, they suggest that the long-term control of undesirable behavior can be achieved with patience, talking to the child and letting him/her know that it is the act you consider bad, not the child as a person.

Alternatives to CP in schools have been clearly and comprehensively documented in the literature. The National Committee for the Prevention of Child Abuse (NCPCA) Working Paper 017 stratifies alternatives by strategies for school and communities. The National Education Association (NEA) Report of the Task Force on Corporal Punishment divided their many recommendations into Short, Intermediate, and Long-Range solutions.

The judicial system has been far from effective in addressing the problems of CP in schools. A good example is the 1977 Supreme Court ruling (Ingraham v. Wright, 430 U.S. 651,662-1977) that Eighth Amendment protection against cruel and unusual punishment did not apply to schools because schools are supervised by their communities and have built-in safeguards. In essence, they said that schools are the sole public institution legally allowed to administer physical punishment.

Unfortunately, those community safeguards did not work in the 1989 U.S. Supreme Court case (Cunningham v. Beaver) when the Court declined to hear a case brought on behalf of two kindergarten girls in Jacksonville, Texas, who were paddled with a board for giggling in the hallway and were badly injured.

In summary, I support this legislation because we cannot continue to condone practices in our schools and custodial institutions that are contrary to our national policy of eliminating child abuse from our society.

In 1985, the Surgeon General's Workshop on Violence and Public Health reported that "a major campaign should be carried out with the help of the media to reduce the public acceptance of violence in general and violence against children in particular—(and) the American people should come to understand and agree that corporal punishment of children should be abolished.

On June 16, 1992, I saw the present Surgeon General, along with a representative of the A.M.A. again warn us of the escalating violence in our society, particularly against women and children.

How often do we have to be warned? Now is the right time for Congress to speak out against sanctioned violence in a meaningful way by enacting H.R. 1522.

My thanks to the staffs of the Coalition Against Child Abuse, NCPCA and the American Academy of Pediatrics.

Chairman OWENS. I want to thank all of you for the testimony you have submitted. It is very useful.

This hearing does not include representatives of the other side. We are going to have to have an additional hearing to have these representatives testify. Could you discuss briefly for me what arguments are given by the scientific community which supports the other side?

Dr. HYMAN. There is no scientific evidence. In my rush to go through the testimony, I forgot to show you the weapons that the other side uses. This is a wooden paddle exactly like the kinds of paddles that are used. You are going to see some other paddles.

These are used on the behinds of children. I just showed this paddle to Jimmy Dunne, who is from Texas, who will be testifying. He was surprised. It is from west Oklahoma. I went into a western boot store and bought this paddle—the type that was used on the kid I evaluated there.

So there is absolutely no scientific evidence to indicate corporal punishment is useful. Now, to say it works is true for some people. If you curse at me, and I smack you in the mouth hard enough, you won't curse at me to my face, but you will curse later and you will get back at me. So one of the arguments that is used by people who say, "Well, it was done to me and it didn't do me any harm," it is true that it momentarily works. It vents the anger of the people who have done it. But in the long run all the bad effects that we have talked about here—all my distinguished colleagues concur—it doesn't teach new behaviors. It just teaches that violence is a way to solve problems.

And then there are other so-called common-sensical notions that that is the only thing kids understand and so forth. I have documented all of them in the book, and if I start on them I am going to spend much more time than we have. But there is just absolutely no evidence.

The other point I would like to make is that George Batsche talked about what they did in the school to change what was going on in terms of misbehavior. I want to stress that we—even though the name of our center is Corporal Punishment and Alternatives, we are not looking for alternative punishments. When I do workshops most people say, "Well, what other punishments could we use?" The key to good discipline is prevention, and what Dr. Batsche is doing, and the kinds of things Dr. Green talks about, all have to do with understanding what makes children misbehave and setting up situations to prevent the misbehavior in the first place. Kids who feel good about themselves don't misbehave.

The final point I would like to make is—Dr. Green talked about the Cunningham v. Beavers case in Texas—the Federal District Court ruling stood that you can hit a child in Texas up to the point of deadly force without being indictable.

Chairman OWENS. Thank you.

Dr. BATSCHE. Mr. Chairman, in response to your question, two quick points. One is the insidious nature of corporal punishment, as Dr. Hyman indicated, you do get some immediate reduction in the inappropriate behavior. You and I both would probably quit doing what we were doing if somebody is standing over us with a weapon that looks like that. So, if we stop our perspective at that

point, then the opposition is going to indicate that there is a significant reduction in the behavior. The insidious nature of it, however, is that unless the punishment is continued or accelerated, the inappropriate behavior returns at a higher level than it previously occurred at, and therefore we are in a very vicious circle of having to continue to do this.

The second point is, and I alluded to it in my testimony, that corporal punishment operates on the basis of one assumption, and that is, that a kid knows and has the right behavior and is choosing not to do it. And, therefore, by smacking the kid it is giving the kid a reminder you should have done the other thing that you knew you could do. That is a false assumption in our society today. As I indicated, kids are not coming to school having been taught the other skills, so when they get hit, they don't have the other skills to fall back on. When push comes to shove, they come right back to the same old behaviors again.

That is why we need to teach—and I didn't focus on alternatives to punishment. We need to teach kids social skills. We need to teach kids how to resolve conflict. And we need to teach kids how to get along. And the real way to do that is to work with home and school partnerships and develop teaching discipline policies, not beating discipline policies.

Chairman OWENS. Dr. Green, there was a report on National Public Radio yesterday morning—I didn't hear all of it, so I can't fully document it—but it was a report of a study done with pediatricians where the majority of pediatricians did favor some corporal punishment, especially in situations where children's lives were threatened or in danger. For example, if a child ran out in front of a car, the shock treatment of hitting the child would stay with them for a long time and they would never do that again. The majority of pediatricians said in that kind of extreme situation, it was acceptable. What is your comment on that?

Dr. GREEN. Mr. Chairman, I would like to differ there that the majority of pediatricians are not opposed—are opposed to corporal punishment. The fact of the matter is I do have a number of colleagues who have written letters to me indicating their concern that we are going too far by trying to eliminate corporal punishment totally, I agree with you. But you see, equating discipline with corporal punishment is fallacious. Discipline—the root of discipline is "disciple," and a disciple is someone who adheres or is a pupil of a different way of doing things. So that pain is not concerned with the issue of corporal punishment there. I am sorry—with the issue of discipline. It is the persuasion, not force, that is required.

And secondly, I do a lot of my observation not only in the office but in that great natural laboratory of observing child behavior at the local malls and the supermarkets, and I see a lot of young children who are "babysitting" or taking care of their younger sisters and subjecting their younger sisters and brothers to terrific degrees of verbal as well as physical abuse. Now, they didn't pick that up out of the sky. They have learned that from home and from school sometimes. Pity the child. Pity the child who is abused and punished like that at home and then has to go into school and suffer the same kind of treatment. I think it is absolutely wrong.

Unfortunately, there are many in pediatrics who reflect the same values that we see in the broader society. I think the National Committee did surveys on attitudes, and we found that 51 percent of people felt that it was wrong to use corporal punishment. But that means that there were 49 percent of people who didn't think it was wrong, and that is why only 23 States have laws against it.

We have the job to do, and that is to convince people more adequately than we have that there are reasonable alternatives. We are trying to do it in the American Academy of Pediatrics through our division on child abuse, and I think we are making headway. It is a lot better than it was 2 years ago.

Chairman OWENS. I am going to have my staff track down that National Public Radio report and find out the study they were referring to.

My last question is to ask—one of you commented that the sixth national goal for education is to make our schools violence free and drug free. In view of the fact that these goals were promulgated by the Governors and the President, and only 23 States governed by those Governors have bans on corporal punishment, do you really think they meant the schools should be free of corporal punishment?

Dr. BATSCHE. Yes, at one level. They are talking about violence in general. And I think what is happening now is that we are focusing on the epidemic. The statistics that I gave you—a half a million students involved in shakedown robberies, 5,200 teachers a month attacked and what have you—I think that is the perspective that they are looking at.

However, the issue is that teachers are spending increasing amounts of their time attempting to control students and not engaging in teaching and learning activities. And, if we take a look at the thing that predicts educational achievement for any student better than anything else, better than ability, better than background, it is the amount of time he or she spends engaging the curriculum. Discipline problems, disciplining students, et cetera, take time away from that. So the safe haven is a prerequisite, and that safe haven cannot have contingencies where students cannot perpetuate violence; yet adults in authority can.

And I think the point that Dr. Green made that basically children learn not by what they hear but what they see others do. If they see others perpetrating violence—and recently we have had two cases of students going into schools and murdering people in the schools because of their anger toward what happened to them in schools—we are going to see an increase in that. It is increasing constantly. The statistics are not as valid as they should be because so much of this is not reported.

It is a prerequisite, Mr. Chairman, for education to occur, and someone has to take a stand, to lay down the first post, and this is, I believe, an essential post to be laid down.

Chairman OWENS. Thank you. Dr. Hyman?

Dr. HYMAN. Yes. I want to comment about what George said about the violence. We must not confuse the issue of corporal punishment with that violence because it is not the big, tough, angry 17-year-old that the corporal punishment is being used against.

And many people will say, "Well, we need to have corporal punishment to control children," and then they link that with violence in the schools. Those are not the kids who are getting hit. It is the kindergarten kids, the first graders, the fifth graders, and so forth. So let's not be fooled by that. That is one of the arguments. You asked about the arguments in favor of it. That is one of the arguments that is used, but it has really nothing to do with it.

Second, the very kids that George is talking about, the kids who are conduct disorders, the delinquent kids, almost to a person were created that way by the overly severe use of corporal punishment. Almost every violent kid has been overly severely, and I use that—it is almost redundant, overly severely—to make the point, hit and beaten at home and at school.

Dr. POKALO. And in fact, what we have found is that there is an actual increase in the conduct disorders as a result of the trauma that the children may have experienced. In many of the cases that we have evaluated, conduct disorder is the presenting problem at the time.

Chairman OWENS. Thank you very much.

Dr. GREEN. Mr. Chairman?

Chairman OWENS. Dr. Green?

Dr. GREEN. Just one point, and that is, you had mentioned about force being used to protect the child against—when the child was in the path of an automobile. I think that corporal punishment is not implied when force is used to protect someone from physical injury.

Chairman OWENS. Not to protect, to punish the child for endangering themselves.

Dr. GREEN. Well, all right. Or obtaining possession of a weapon or other dangerous devices from a child or protecting property from damage, if force is used then. But not the kind of force that we see here. Pulling a child out of the way of an oncoming car is a forceful act.

Chairman OWENS. That was not what I meant.

Dr. GREEN. You meant that slapping the child——

Chairman OWENS. After the child has narrowly escaped being hit by a car.

Dr. GREEN. Yes. Well, I misunderstood you.

Dr. HYMAN. Let me just comment briefly on that. The answer to that question—which I have been answering for about 25 years—is that you teach the child the association with the street and whatever the child's word is for pain—it's an "owie" or a "booboo," whatever—and I guarantee in working with children for almost 30 years that parents who teach the child the word for pain, even if the child is a year old, and associate that word for pain with going into the street, you don't have to hit the kid. There is also research showing that the kids who are hit are more likely to run into the street than the kids who have been taught the word that associates pain with going in the street, and that is the answer to that question.

Chairman OWENS. Thank you. I yield to—we have been joined by the ranking minority member of the committee, Mr. Ballenger. I yield to Mr. Ballenger.

Mr. BALLENGER. Thank you, Mr. Chairman. And let me apologize to each of you. First of all, I will make a statement for Mr. Goodling, who is the senior member on the full committee. The reason he is not here is the same reason I was late. His statement is:

"I hope this legislation is going nowhere. Wish I could be with you." He is with Mr. Michel. And you have got to realize that Bill Goodling has been in the school system for 22 years. But he says, "After 22 years in public education I know something about the subject." In fact, I talked to him a little bit, and he is not wildly in favor of this.

And I would like to say I have a complete statement, Mr. Chairman, that I would like to put into the record. But I think one paragraph would probably state my feeling pretty thoroughly. It is a record of each State, and I think there are only 18 that actually prohibit the use of corporal punishment——

Dr. HYMAN. Twenty-two

Mr. BALLENGER. [continuing] out of 50.

Dr. HYMAN. No. It is 22.

Mr. BALLENGER. Well, it is a matter of what you mean by prohibiting it completely.

Dr. HYMAN. Twenty-two States absolutely prohibit it.

Mr. BALLENGER. She says 18 by law and 22 might do it by regulation.

Dr. HYMAN. Two of them have by regulation, that is correct.

Mr. BALLENGER. Okay. In other words, that leaves 28 more that do it the other way.

I am a State's rights fellow, and I don't see principals of schools and so forth testifying today—just psychologists, and I can understand the need for that. But no two States, for that matter, no two communities are alike, and I believe decisions about corporal punishment would be more appropriately made in each community with input from parents and other members of the community. The basic idea that the law, some Federal law that works beautifully in the areas of real danger, shall we say, where students do assault their teachers, and I am speaking mostly of big city schools as compared to—I have no big cities in my district. I have small school districts and I doubt seriously if they use corporal punishment to any great extent. But the idea that they can, at least in my opinion, used to have some effect on me because—of course, you might say, "Obviously, if it had a bad effect on you, I mean if it didn't have a bad effect on you, what are you doing in Congress?"

[Laughter.]

Mr. BALLENGER. My father didn't believe in sparing the rod and spoiling the child, and my schoolteachers didn't either. And so I guess it probably warped my personality and it made me come to this fabulous place in which I am located.

But what I would like to say is I still feel that a Federal law to regulate at the national level the way individual school systems are run is wrong. I think that pretty well states it.

Mr. PASTOR. If the gentleman would yield?

Mr. BALLENGER. Sure.

Mr. PASTOR. I guess from that little comment it means that you enjoyed the bashing then and you enjoy the bashing now.

Mr. BALLENGER. I think it is worse now when there is no physical punishment.

[Laughter.]

Mr. BALLENGER. But I will agree with most of you. That if my father had given me the choice of having a lecture or a whipping I would have taken the whipping because the lecture, obviously, went on a lot longer and I never knew what was going to happen in that and how much I was going to be cut back at the time.

Chairman OWENS. Without objection, I want to first enter the gentleman's entire testimony into the record.

[The prepared statement of Hon. Cass Ballenger follows:]

STATEMENT OF HON. CASS BALLENGER, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NORTH CAROLINA

Mr. Chairman, I am pleased to be in attendance to hear the testimony of today's witnesses on the controversial issue of corporal punishment.

While I understand the concern on the part of members of this subcommittee that corporal punishment may, in some instances, be harmful to schoolchildren, I do not believe this is an issue in which the Federal Government should be involved.

No two States, for that matter, no two communities are alike. I believe decisions about corporal punishment should more appropriately be made in each community, with input from parents and other members of the community.

I am also very concerned about language in H.R. 1522 denying funds to education programs which allow corporal punishment. If a community, particularly a poor community, decides it wants to give teachers and administrators the right to use corporal punishment to discipline its children and, as a result, it loses Federal funds, the children lose. I don't believe, Mr. Chairman, that we really want this to happen, yet it could.

These are my concerns and I would welcome any comments the witnesses may care to make in this regard.

Mr. BALLENGER. Thank you, sir.

Chairman OWENS. Yes, Mr. Payne.

Mr. PAYNE. I had a question also, if the gentleman would yield. I am just somewhat confused. Your stand is that State's rights is predominate. If a youngster is thrown against a wall in—what State are you from?

Mr. BALLENGER. North Carolina.

Mr. PAYNE. [continuing] North Carolina, is the wall made differently so that the student doesn't feel it? It is different to have a paddle in North Carolina. Is it that the paddle doesn't feel the same as a paddle would in Newark, New Jersey, where I live?

I don't understand what a State has to do with brutal treatment. Is it condoned then in a State? Is it felt that it is a—evidently, if every State doesn't have it, the Federal Government is talking about coming in and regulating.

For the life of me, I cannot understand the rationale that a State is—some rights are being taken away from a State that allows brutality to happen——

Mr. BALLENGER. I don't think I meant to suggest that brutality was favored by any State. But, if you read this list of corporal punishment in public schools, how the various States have approached it, and there are many different ways that each State has taken. I would think that anybody here would—I am looking at North Dakota. You can use physical force to quell a physical disturbance which may cause physical injury or damage to property, quell a verbal disturbance, preserve order, for self-defense or to obtain—

and I think all of them say it is all right to do it to obtain possession of a weapon.

Now, in New Jersey, would you think it unfair to at least authorize a teacher to use some kind of physical force to disarm a student?

Mr. PAYNE. Well, I think that all of the things you have mentioned in that four or five things that you have said, except for maybe one or two that are judgmental, I don't consider that using corporal punishment. If a person is stopping a fight and separates the combatants, I don't see where you would consider that in the realm of corporal punishment. I wouldn't say that a teacher then should go in and beat up one of the two people who are fighting.

So the things that you read I think are common sense. I don't think this law is doing anything about common sense.

Chairman OWENS. If the gentleman would yield? Not only common sense—in the bill itself we provide for the use of necessary restraints in situations like that. It is not considered corporal punishment. We take care of that.

Mr. PAYNE. All right.

Mr. BALLENGER. If I may, I guess being either fortunate or unfortunate—I did have a college education, but my choice of words sometimes doesn't come out quite properly. But, having had the opportunity to teach in schools in my district over and over again, and the ability on my part to be able to tell that student right there, "You shut up, you're destroying the ability of the rest of the class to learn," "If you don't like it we're going to throw you out of the class," I don't know whether that is considered physical violence. In my considered opinion, it was a great way to shut the people up and let the class hear the rest of it.

But the teachers are afraid to do anything. They are afraid they will be sued. They are unable in many places to maintain order in their own classroom because parents are likely to come after them.

Mr. PAYNE. Well, I also taught for a number of years. I don't recall calling any child stupid.

Mr. BALLENGER. Actually, I did not use that phrase.

Mr. PAYNE. I certainly told children that they would have to be quiet. I don't see what that has to do with anything. In most classrooms you need decorum in order to teach.

I don't know whether—you and your colleagues who oppose this legislation either have not read it or don't understand it. I don't see anything in there that is contrary to what you have stated ought to be. And, as the Chairman indicated, it would be foolish not to allow self-defense of a teacher, and so we know that those things are as he mentioned, not only common sense but it is prohibited in the legislation.

So, like I said, I am confused and baffled by the Republicans on this committee. When I hear Dan Quayle running around the country talking about family values and talking about how you've got to have a family and what the right family is and all that—of course, he can't spell either——

[Laughter.]

Mr. BALLENGER. Well, mine is pronunciation.

Mr. PAYNE. Okay.

Chairman OWENS. Gentlemen, we would like the panelists to have a chance to comment on Mr. Ballenger's comment before they forget what he said.

[Laughter.]

Chairman OWENS. He raised a very serious issue in that he quoted Mr. Goodling, who is the ranking Republican on the full committee, who happens to be an ex-teacher, ex-school principal, ex-school superintendent. The question is what do the school superintendents, administrators and other personnel say? Do you have any statistics or figures which show that they need—they say they need corporal punishment as an instrument?

You can begin, Dr. Hyman, and each one of you can comment.

Dr. HYMAN. I can't comment on Mr. Goodling's knowledge, but two studies, one in West Virginia and one in Texas, who have completed independent studies, indicate that the administrators who most support corporal punishment use as their reason most often that there aren't tested alternatives. And yet when you look at their responses to what they know about the alternatives they are the least able to cite literature. In other words, the school administrators who were most in favor of corporal punishment were the ones who were least knowledgeable about the literature. That is number one.

And number two, I humbly submit to Representative Ballenger that there is a lot going on in North Carolina, and he will get a copy of this book within the next day or two through the National Association of Schools and Colleges. And, in fact, the case of Shelley Gasperson from Dunn, North Carolina, is discussed in this book. Shelley was beaten so badly that she had menstrual hemorrhaging and large bruises all over her buttocks. And that case went all the way to the, I believe it is the Supreme Court of North Carolina, or Court of Appeals, which used a law from 18 something, the late 1800's and then a revision of it in the early 1900's, to support the use of corporal punishment because she was not physically damaged for the rest of her life. But she was emotionally damaged for the rest of her life.

So I would submit that in North Carolina there is a great need for this, and I would also submit that the people who know the least about the alternatives are the ones that are most vociferously against corporal punishment.

Chairman OWENS. Dr. Pokalo?

Dr. POKALO. Yes. I believe that you do have a form there that has the protocol for the different States in using corporal punishment. Unfortunately, that is not always adhered to, and that is actually one of the reasons why I would feel that the legislation is needed.

What we find is that the schools do not always follow their protocol and that it is not used as a last resort. In fact, it appears to be used indiscriminately in that there are students that may not receive the corporal punishment and then it may be the minority special education child who is corporally punished. It is the indiscriminate nature of the corporal punishment as well as the failure to use it as a last resort, as many of the States stipulate.

My experience, and I believe Dr. Hyman and the others as well, would show that that is not the case. It is used indiscriminately

and very often with the children for whom it is contraindicated. So I believe that the form you have may be nice on paper, but not accurately used.

Mr. BALLENGER. Could I ask if in your own opinion you might have a method of enforcing a Federal law?

Dr. POKALO. I do not have that in mind at this moment.

Mr. BALLENGER. Dr. Batsche, I think you clearly, forcefully stated that there is a direct correlation between academic achievement and the retardation of academic achievement by using corporal punishment. Do educators and teachers generally agree with you or not?

Dr. BATSCHE. Well, I don't know that that question has ever been posed in that format, but let me respond this way. Most students are referred in school for either special services, discipline to the office, et cetera, not because of academic problems. The schools have traditionally been very tolerant of a student who is not learning and also not misbehaving.

When a student has some behavior problem, then that student is referred. So, if a student is not learning and not misbehaving, that student goes often unseen. A student who is learning or having difficulty learning and is having behavior problems is the student who is referred for discipline.

I would like to address Mr. Ballenger's points very quickly. First of all, we know—and this is to reiterate something that Mr. Owens said earlier. We know that predominately male, minority, culturally disadvantaged and children with learning and physical disabilities are the primary recipients of corporal punishment. These are also our Nation's at-risk students. To deliver a message to them that is done in higher proportions than to our non-at-risk students is further alienating them from the schools. By the year 2000, we are well aware of what the demographics are going to be in this country relative to ethnic minority affiliation. Medical sciences now enable students who in the past may not have been in schools, may not have survived, to be in schools now. Yet these are precisely the kids who are the target of this punishment.

Specific to your question, Mr. Ballenger, in 1989 a survey of Ohio superintendents in districts banning corporal punishment indicated that these superintendents felt that there were 12 other behavior management practices that were more effective than corporal punishment, and these are superintendents of school districts who had corporal punishment and now do not. And that survey indicated that in the majority of the schools, the ban on corporal punishment in no way led to a worsening of behavior or loss of control or any of those concerns that are often brought out as if we don't have the paddling we're going to lose control. The research and data from school superintendents just doesn't support that.

Mr. BALLENGER. What would be those 12 methods? Obviously, it has got to be a—it is sort of like hitting a mule between the eyes with a two-by-four to get his attention. What are those 12 methods?

Dr. BATSCHE. We call that interocular therapy. That is a two-by-four between the eyes.

[Laughter.]

Mr. BALLENGER. But the 12 things that you mentioned which those in Ohio said were more effective.

Dr. BATSCHE. Sure. And I will list some of those, but let me make—and I don't believe that you were able to be here when I made this comment earlier.

Mr. BALLENGER. No. I am sorry.

Dr. BATSCHE. That is fine. The issue is whether or not the student has the skill that the teacher wants the student to have. In other words, if a student is mouthing off to a teacher, and the teacher wants the student to stop, the student has to have self-control. Many times as I sat here I may have wanted to make a comment relative to what one of the distinguished members of the committee was saying, but I have learned over time how to keep my mouth shut. A lot of kids don't have that skill because in their homes this constant dialogue prevails. And so in that case we first have to teach the students how to behave appropriately.

So a lot of the alternatives involve social skills training, conflict resolution. I work with students every day in teaching them anger management, how not to strike out at teachers, which then is a prevention. However, we also have many that would be called aversive, because they result in behavior decreasing, procedures that include restitution, where if they destroy something they have to take their own time, extra time and learn how to do it the right way. They have to put more time in at school. They lose privileges. And I think the bottom line here is being a parent, as I am sure all of you are, that I could—when my children misbehave, I could very quickly paddle them, punish them, spank them. That is the easiest thing I could do. It is the least responsible. It takes the least amount of my time, and it takes absolutely no parenting to do that. The same thing is true in the schools.

What the students need first is to be taught the appropriate behavior, and then people need to take time with the children to teach them. And, if there is one thing that the children of the nineties and the 21st century have been deprived of, it is time. And corporal punishment gives a way of not having to take time with the children, and that is its basic flaw.

Thank you very much.

Chairman OWENS. Mr. Payne?

Mr. PAYNE. I think Dr. Green has a comment.

Chairman OWENS. Did you want to comment, Dr. Green, on that one?

Dr. GREEN. I think the only comment I would like to make is simply that one of the best arguments for needing this bill is that we are living in a violent and litigious society. The child who is whipped or beaten at school and comes home and tells the parent, at least in the communities I have lived in—not when I was a child. When I was a child, my parents would probably castigate me for having been bad. But now all too often it is the parent that will go to the school and castigate the teachers. I think in protecting the teachers there is also a need for such legislation.

Number two, I think this kind of legislation would force the States and the school boards to seriously consider in-service training and the development of reasonable alternatives, teaching that there are alternatives to whipping, et cetera, which is left to the individual now. But I could see that the result of such legislation

would be to provide an impetus to local school boards to begin to seriously think of the alternatives to corporal punishment.

Chairman OWENS. Thank you. Mr. Payne?

Mr. PAYNE. Mr. Pastor has to run, so I will yield to him at this time.

Mr. PASTOR. Thank you, Mr. Payne. I am not an advocate of corporal punishment. Our society has changed so much that if you look at the data from this last census it would show that at least one-third of our families are single parents. In many of our families that have two parents, both are working. So our society has changed so much that I think one of the basic problems that we have is that a child does not learn self-esteem at home. That child then goes to school and because of the situation in school with the number of students in the classroom where sometimes the teacher is not prepared themselves to deal with the situation that we don't have the nurturing of self-esteem. It is a realization that I think all of us are going to have to confront. Our society has changed so much that when we were younger, paddling occurred but we could run to grandma and she would comfort us. Or, we were paddled in school and then when we got home mom and dad said, "Well, we support the teacher."

Things have changed. I think today we need to ask, what do we do with the resource that we have in this country, our children, to make sure that they develop with a positive self-esteem? And I don't think that hitting them either at home or at school provides that.

So, Mr. Chairman, that is it.

Chairman OWENS. Thank you very much, Mr. Pastor.

Mr. Payne?

Mr. PAYNE. Yes. Thank you. I don't have any additional questions. I would just like to reflect on what Mr. Pastor said. Things have changed tremendously in the country. But it has changed in all types of professions. For example, nursing used to be a basic type of thing that nurses did. Today, nurses have a very dangerous job, a very sensitive job, much more so today than they did before. It is just an example of the fact that the nursing industry then has changed. Nurses have done things that they needed to do to prepare them and keep them up on the critical problems that they face in their daily vocations—today, as opposed to, you know, when Florence Nightingale was around. And so we have to change also in education.

It is difficult. I go into classrooms today and speak at assembly programs in the District, and talk to classrooms every time I have an opportunity in the District. I go down to the local Youth Service Agency and interact with young people. But it is different than when I taught school 30 years ago, and so I know that there have been a lot of changes. But I think that it is up to the industry, to the educational industry, as you indicated, to come up with solutions to those problems, to prepare teachers, perhaps, a little bit differently than they used to be prepared. Teachers colleges may have to go into—maybe it will take another year to get into this conflict resolution. I would be the first to say it is more difficult today in a classroom than it was in the 1950's and 1960's

I think if we all acknowledge that, then I think it is up to the industry to deal with these tough situations. We have a lot of tough problems in our country. We have toxic waste to take care of. We have nuclear waste we don't know what to do with. We are going to have to come up with solutions to that. We are going to have to come up with solutions in our health field. We are going to have to come up with solutions in our educational field.

I would just say that I commend the work that you have done. Since the Chairman didn't give me an opportunity to make an opening statement—I was just going to commend him for having this hearing, but he shut me out. But I will commend him at this time.

And finally, to my friend from North Carolina, I apologize if there was anything derogatory that you thought I referred to you. I did not mean that. After it came out, you know, it didn't sound right. So I didn't mean anything to you.

I like you. I just don't like Vice President Quayle.

[Laughter.]

Mr. PAYNE. We may disagree, but there is no animosity or harshness as relates to you.

Thank you, Mr. Chairman.

Chairman OWENS. Thank you. I thank the members of the panel.

I neglected to say at the beginning that your entire written testimony will be entered into the record. If necessary, we would like to call on you for additional comments within the next 10 days before the record is closed. Thank you very much for appearing.

Our next panel consists of Ms. Arlene Zielke, Vice President for Legislative Affairs, National Parent Teacher Association; Mr. Jimmy Dunne, President of People Opposed to Paddling Students, located in Houston, Texas; Dr. Robert Fathman, President of the National Coalition to Abolish Corporal Punishment in Schools, Columbus, Ohio; and Dr. Fredda Brown, Association for the Severely Handicapped, Washington, DC.

We will begin with Ms. Arlene Zielke.

STATEMENTS OF ARLENE ZIELKE, VICE PRESIDENT FOR LEGISLATIVE ACTIVITY, NATIONAL PARENT TEACHER ASSOCIATION, WASHINGTON, DC; JIMMY DUNNE, PRESIDENT, PEOPLE OPPOSED TO PADDLING STUDENTS, HOUSTON, TX; ROBERT FATHMAN, PH.D., PRESIDENT, NATIONAL COALITION TO ABOLISH CORPORAL PUNISHMENT IN SCHOOLS, COLUMBUS, OH; FREDDA BROWN, PH.D., ASSOCIATION FOR THE SEVERELY HANDICAPPED, WASHINGTON, DC

Ms. ZIELKE. Thank you, Mr. Chairman. Given the historic nature of the moment, I am pleased to be here and represent the 7 million members of the National PTA in support of H.R. 1522, a bill that would prohibit corporal punishment at educational institutions that receive Federal funds. This measure is a bold step towards providing children with the same statutory and regulatory protection against physical punishment that is afforded animals, prisoners and military personnel, as you have so adequately pointed out, Mr. Chairman.

The government protects youth from violence in such publicly funded institutions as foster care, detention centers and mental health facilities. Why not object to child abuse in tax-supported schools? To ignore this inconsistency is to perpetrate a fractured child protection system in our society. Increasingly we hear child development experts, child advocates, health professionals and politicians argue in favor of formulating a public policy strategy that looks at the whole child. The National PTA, therefore, believes that the natural course of this continuum would be for the Federal lawmakers to ban corporal punishment in schools.

Allow me a moment to thank Representative Owens for providing the leadership in this controversial issue to protect children, and also for his efforts in the past with a proposal that would have prohibited corporal punishment on children with disabilities. We feel that that helped to propel the problem of hitting children and the use of violent force in the schools onto the national agenda. And we thank you for that, Mr. Chairman.

For PTA members, having this matter discussed by Federal policymakers was perhaps the biggest boost to their efforts at the State and local level to safeguard children. An increasing number of PTA local unit activists tell the National PTA office that a Federal law to ban corporal punishment is needed if school disciplinary policies are going to change.

And, to answer Mr. Ballenger to the point of State and local policies, while we traditionally hold the position that education policies should be locally controlled, many of our members are requesting that the issue of corporal punishment be addressed through Federal edict. These child advocates are frustrated at the repeated setbacks they confront when trying to pass State legislation that would protect children from harm in schools.

The PTA believes an effective disciplinary policy cultivates a child's self-esteem and institutes positive reinforcement measures. A violent reaction from adults only reinforces the wrong-headed notion that excessive force is the way to repress negative conduct.

Our one recommendation for you to your bill, Mr. Owens, would be to include all federally funded child care programs under H.R. 1522, or perhaps to introduce new legislation to cover child care settings. Preschool and early childhood education programs should be included because, quite simply, preschool and grade-school-age children are more severely disciplined because they don't fight back, and we heard testimony from the first panelists. Recognizing that secondary-school-age students, however, are much more likely to stand up and defend themselves against what they know is an injustice.

Other children likely to be physically punished are youngsters with disabilities, as are children from minority cultures. According to the Education Department's findings, 5 percent of all black children experience corporal punishment compared to 2 percent of their white counterparts. Studies also show that physical constraint is regularly a first response by many perpetrators. I will not go into detail to cite again the Texas case of Ingraham and Cunningham v. Beavers and that Fifth Circuit Court law that said that it was all right for school personnel to use up to deadly force.

Experts working in the field of child protection and school discipline report that youngsters have been punched, hit, slapped, shaken, kicked, pinched and choked. They have been hit with rulers, books, wet towels, leather straps and paddles, and even denied bathroom privileges—all in the name of discipline.

The Education Department's data show that an estimated 10,000 to 20,000 students are injured severely enough to need medical treatment. There is no legal recourse for parents to take when their children are hit, since the action is considered legal in some States. The U.S. does not compare favorably with other developed or industrialized nations, and as our educational system is constantly compared with other foreign countries, I would remind you that England, Ireland, Scotland, Europe, Japan, Israel, former Soviet-controlled countries have all abolished corporal punishment. In the U.S., my information tells me, there are now 24 States, because Arizona and Utah have recently abolished corporal punishment, plus the District of Columbia which forbid the use of hitting in the schools. The majority of the States where corporal punishment continues are located in the South and the Southwest.

Children in our society witness too much violence, and schools should not reinforce violence as a social norm. Instead, schools should teach youngsters that violence is not the answer to conflict resolution. An important function that educational institutions should execute is to reinforce for young people that there are numerous nonviolent responses to problems. Students should be encouraged to develop internal containments to negative behaviors. We heard that testimony also. Reward, praise and quality communication between the adult and child will promote a positive self-concept and healthy learning environment.

Fifty years of research demonstrates that corporal punishment is not effective in helping children control or change their behavior. Discipline policies should be geared toward teaching children self-constraint, and the new policy must include: one, a workable code of rules that involves parents and students in the decision-making process; clear explanations at the beginning of the year of rules, reasons for them and the consequences of breaking them; a written series of escalating nonviolent punishments to be used, such as notes home, loss of privileges, detention, repair of student-caused damages, in-school suspension; parent involvement in the enactment of the discipline code; staffwide support for the discipline code; and high expectations of all students and close monitoring of students, with rewards and praise for accomplishment.

To make a positive transition from corporal punishment to nonviolent disciplinary policies, faculty and administrators must be taught the communications skills needed to empower them to control students without force. Federal and State funding efforts should be directed at ensuring that workshops and seminars are available for school personnel.

For decades, local unit PTA members have worked to change community school discipline policies to reflect non-violent actions. In some instances child advocates have been successful, but too many areas of the country remain where parents seeking to eliminate corporal punishment meet with strong resistance. Very often individuals who challenge corporal punishment policies are labeled

troublemakers. Parents who file a grievance have reported encountering retaliation from community members in the form of harassment, name-calling or social isolation.

It is equally important that a Federal statute would provide some permanency to the policy. School board policies can be easily overturned with the election of new school board members. The National PTA has no axe to grind or self-interest at stake. The genesis of our position is the well-being of the child.

And I thank you again and reiterate that our Association members will continue to work for the enactment of H.R. 1522.

Chairman OWENS. Thank you.

[The prepared statement of Ms. Zielke follows:]

STATEMENT OF ARLENE ZIELKE, VICE PRESIDENT FOR LEGISLATIVE ACTIVITY, NATIONAL PARENT TEACHER ASSOCIATION, WASHINGTON, DC

Representative Owens and members of the subcommittee, I am Arlene Zielke, vice-president of legislative activity for the 7 million-member National PTA.

As many of you know, our association was founded over 90 years ago to halt child labor abuses. Social reform in the 1930's helped safeguard children from exploitation in the workplace. Child maltreatment, sanctioned in school disciplinary policies, however, would wait another half-century before attempts were made to protect young people against pain dispensed at the hands of teachers or administrators who misguidedly believe that hitting is a constructive method of changing a child's behavior.

Given the historic nature of the moment, I am pleased to be here and to support H.R. 1522, a bill that would prohibit corporal punishment at educational institutions that receive Federal funds. This measure is a bold step towards providing children with the same statutory or regulatory protection against physical punishment that is afforded animals, prisoners and military personnel.

The government protects youth from violence in such publicly-funded institutions as foster care, detention centers and mental health facilities. Why not object to child abuse in tax-supported schools? To ignore this inconsistency is to perpetrate a fractured child protection system in our society. Increasingly we hear child development experts, child advocates, health professionals and politicians argue in favor of formulating a public policy strategy that looks at the whole child. The National PTA, therefore, believes that the natural course of this continuum would be for the Federal lawmakers to ban corporal punishment in schools.

Allow me to take a moment and thank Representative Owens, the bill's sponsor. He deserves much thanks and praise for his leadership on this controversial, but critically important child protection measure. In 1990, Representative Owens courageously sponsored a National PTA-backed proposal that would have prohibited corporal punishment on children with disabilities. Although the measure wasn't adopted, his effort helped propel the problem of hitting children and the use of violent force in schools onto the national agenda.

For PTA members, having this matter discussed by Federal policymakers was perhaps the biggest boost to their efforts, at the State and local level, to safeguard children. An increasing number of PTA local unit activists tell the National office that a Federal law to ban corporal punishment is needed if school disciplinary policies are going to change.

While National PTA traditionally holds the position that education policies should be locally controlled, many of our members are requesting that the issue of corporal punishment be addressed through Federal edict. These child advocates are frustrated at the repeated setbacks they confront when trying to pass State legislation that would protect children from harm in schools.

By way of background, please note that National PTA's efforts to end physical punishment in American schools dates back to 15 years. At that time, the membership passed a resolution opposing corporal punishment. In 1985, PTA members reaffirmed their position and incorporated language that urged school personnel to employ alternative disciplinary procedures that are based on nurturing, not physical abuse. A Position Statement was adopted in 1988, by the National PTA Board of Directors that again urged school personnel to cease inflicting pain as a means of discipline and to adopt non-violent behavior modification techniques.

In short, PTA believes an effective disciplinary policy cultivates a child's self-esteem and institutes positive reinforcement measures. Children must learn self-restraint. Therefore, the underpinning of any disciplinary code should be to help youth learn methods of self-control. A violent reaction from adults only reinforces the wrong-headed notion that excessive force is the way to repress negative conduct.

We are against corporal punishment in schools and child care facilities. Our one recommendation for modification to your bill, Representative Owens, would be to include all federally-funded child care programs under H.R. 1522. Or, alternatively, introduce new legislation to cover child care settings.

Preschool and early childhood education programs should be included because studies show the most vulnerable victims of corporal punishment are very small children. Hitting happens more often at the primary and intermediate level than the secondary level.

Quite simply, preschool and grade-school-aged youth are more severely disciplined because they don't fight back. Also primary school-age children don't know any better, they assume the punishment is justified. Secondary-school-age students, however, are much more likely to stand up and defend themselves against what they know is an injustice. Consequently, older, stronger youth are seldom hit or physically abused by adults who fear retaliation from the pupil.

Other children likely to be physically punished are youngsters with disabilities as are children from minority cultures. According to the Education Department's findings, 5 percent of all black children experience corporal punishment compared to 2 percent of their white counterparts. A fact sheet from the National Association of School Psychologists cites that minority and poor white children receive paddling four to five times more frequently than middle and upper class white children. The notion that corporal punishment is reserved for the big, bad bully is bunk.

Another falsehood is that corporal punishment is used as a last resort effort to control a child. In fact, studies also show that physical constraint is regularly a first response by many perpetrators. Hitting is also a response to minor and nonviolent misbehavior, such as whispering or giggling. In a 1989 claim, *Ingraham and Cunningham v. Beavers*, a case the U.S. Supreme Court refused to hear, Texas parents sued a school district after two girls, aged 5 and 6, were paddled for "snickering" in class. As a footnote to this incident, that Fifth Circuit Court upheld the Texas law that allows school personnel to use "up to deadly force" to discipline a child.

Also untrue is that physical force or hitting is used infrequently. Data supplied by the U.S. Education Department's Office for Civil Rights prove that we're not talking about a handful of youth classified as a discipline problem. Quite the contrary, for the rate of occurrence is stunning. The Education Department reported nearly 2 million incidents of corporal punishment for the 1986–87 school year. Experts working in the field of child protection and school discipline believe the actual incidence is much higher.

Not only is there an appallingly high incidence of physical punishment, but often the discipline is severe. Youngsters have been punched, hit, slapped, shaken, kicked, pinched and choked. Children have been hit with rulers, books, wet towels, leather straps and paddles . . . some paddles have holes drilled into them so that the application of the swack will be more severe. Their mouths have been sealed with tape or stuffed with toilet paper. Bathroom privileges are withheld. The list describing the mishandling of youth is lengthy.

An example of excessive force can be cited in another case the Supreme Court refused to hear. *Garcia v. Mura*. In this instance, a teacher held a 9-year-old girl upside down while the principal beat her with a paddle. Blood came through her clothing and she sustained a cut that resulted in a 2-inch scar. Perhaps the very small compensation for this family is that the 10h Circuit Court ruled, in 1988, that the girl's due process rights were violated by school officials.

Some local school policies say physical punishment be "reasonable." There are problems, however, in interpreting that term. For example, children who were hit have received welts, lacerations, nerve damage and broken bones. Yet, the courts found these reasonable disciplinary measures. The National PTA would call these actions child abuse.

Equally upsetting is the high occurrence of severe beatings. The Education Department's data show that an estimated 10,000 to 20,000 students are injured severely enough to need medical treatment.

Too often, however, there is no legal recourse for parents to take when their child has been hit. Other community leaders, such as pediatricians, are confronted by this barrier as well. For instance, the National Center for the Study of Corporal Punishment and Alternatives in Schools has documented situations where doctors have

filed child abuse charges against aggressors only to be told there was no case because the action was legal.

As you are aware, the U.S. is one of the few countries that allows school personnel to discipline pupils by hitting them. England, Ireland, Scotland, Europe, Japan, Israel, former Soviet-controlled countries have all prohibited corporal punishment. In the U.S., 23 States and the District of Columbia forbid the use of hitting in the schools. The majority of States where corporal punishment continues are located in the South and Southwest.

Interestingly, some studies show that high rates of physical punishment may be associated with high rates of school vandalism. In a similar vein, those students who are violent are often victims of brutal behaviors at home. Essentially both of the above facts tend to support the theory that force begets force.

When a school official reacts to anger or frustration with violence or force, youngsters learn that brutality is an acceptable way to solve problems. This is an unacceptable lesson for school personnel to instill in children . . . especially in our society where children today witness too much violence. Schools should not reinforce violence as a social norm.

Instead, schools should teach youngsters that violence is not the answer to conflict resolution. An important function that education institutions should execute is to reinforce for young people that there are numerous non-violent responses to problems. Students should be encouraged to develop internal containments to negative behaviors. Reward, praise and quality communication between the adult and child will promote a positive self-concept and healthy learning environment.

Supporting a ban on corporal punishment does not mean the National PTA wants to leave teachers vulnerable to assault. There are alternatives to physical discipline that show students a better way of problem solving. Fifty years of research demonstrates that corporal punishment is not effective in helping children control or change their behavior. Instead, discipline policies should be geared toward teaching children self-restraint. A new policy must include:

A workable code of rules that involves parents and students in the decision-making process;

Clear explanations at the beginning of the year, of rules, reasons for them and the consequences of breaking them;

A written series of escalating nonviolent punishments to be used such as notes home, loss of privileges, detention, repair of student-caused damages, in-school suspension;

Parent involvement in the enactment of the discipline code;

Staffwide support for the discipline code and high expectations of all students; and

Close monitoring of students, with rewards and praise for accomplishments.

To make a positive transition from corporal punishment to nonviolent disciplinary policies, school districts should provide teachers with workshops on the many alternatives. Faculty and administrators must be taught the communication skills needed to empower them to control students without force. Federal and State funding efforts should be directed at ensuring workshops and seminars are available for school personnel.

In closing, I would like to affirm that the National PTA supports a Federal approach to eliminating the use of corporal punishment. Without a Federal statute, State and local policies that allow hitting, physical punishment and excessive force to control children's behavior will linger.

For decades, local unit PTA members have worked to change community school discipline policies to reflect non-violent actions. In some instances child advocates have been successful . . . as can be noted by the increasing number of State prohibitions. But for those States or localities that continue to resist changing their policies, a Federal response is needed.

There remain too many areas of the country remain where parents seeking to eliminate corporal punishment meet with strong resistance to abandoning the "woodshed" mentality. Corporal punishment is still seen by many as a tradition that must never be abandoned if order in the classroom is to be maintained.

A Federal statute, like H.R. 1522, is necessary to help parents as well as children. Very often individuals who challenge corporal punishment policies are labeled troublemakers. Parents who file a grievance have reported encountering retaliation from community members in the form of harassment, name-calling or social isolation. Children also feel reprisals when parents publicly oppose the status quo.

Equally important is that a Federal statute would provide some permanency to the policy. For instance, this year a local school board might vote to prohibit corpo-

ral punishment. Yet that policy could be overturned with the election of new school board members in the future.

The National PTA has no axe to grind or self-interest at stake. The genesis of our position is the well-being of the child. I thank you again and reiterate that our Association members will continue to work for the enactment of H.R. 1522.

Chairman OWENS. Mr. Jimmy Dunne.

Mr. DUNNE. Mr. Owens, and Mr. Ballenger, I want to thank you for attending this hearing. I am Jimmy Dunne from Houston, Texas. I am a former teacher, and I paddled students in my first year. I would kind of like to address my remarks today to Mr. Ballenger, since you are a good example of our opposition on this issue.

But I soon learned that paddling did not work. The same kids were coming back the next day doing the same thing. It is really up to a teacher to develop good lesson plans and have good control of the classroom, and paddling is really more of a reflection on the teacher than it is on the students.

I would like to show you an example, first of all, about what we are talking about. This is a baseball bat that was shaved down and used as a paddle in Millby High School in Houston. You can hear what kind of sound it makes.

This is more of a typical paddle. It is made in the wood shops of our schools, and is used to hit kids in the name of discipline.

I would like to, first of all, say this is a national issue. Just as we abolished slavery and have civil rights laws, the children should be protected at the highest level. We should not pass this issue down to every State, every school district, every principal, or every teacher to decide whether or not children should be hit.

It is a child protection issue. We should deny Federal funds where corporal punishment is used. School paddling sends a message that it is okay to hit children, which encourages parents to hit their children at home. This increases child abuse, injury, and even death. Two children die from child abuse every day in the U.S. So, if we are hitting kids in school with boards, parents feel justified in hitting their kids at home with belts, extension cords, whatever, and it ends up with a battered and bruised child.

Also, corporal punishment hurts the schools. Schools normally try to build children's self-esteem, and paddling just knocks self-esteem down to the floor. These kids go home humiliated, afraid to go to school, angry at their teachers. Some of them become more aggressive and have more fights; others actually have gone home and talked about killing themselves they are so devastated and humiliated over being beaten by their teachers at school.

Also, when paddling is abolished, the schools become more peaceful. The students are given more respect and they return that respect to the teachers and the school. Superintendent Jim Hensley of the Austin School District said: "We cannot motivate people effectively in an atmosphere of fear and punishment." And that is the atmosphere you have when you have corporal punishment and the threat of children being hit with boards every day in our schools.

Also, children of poverty and minority children are hit at much higher rates than are Caucasian children. The Dallas Morning News had a survey showing that black kids in Richardson were 11

times more likely to be paddled than white students. Plano was nine times. Garland, three times. In the U.S. a black student is almost two times more likely to be paddled than a white student, according to a survey made in 1988.

Also, corporal punishment is an integral part of American's cycle of violence. One of the most important things I have learned during my 11 years of working on this issue is that parents and teachers are role models. When we hit children, we are teaching them to hit, just the same as when we cuss them we are teaching them to cuss. So they learn to solve problems by hitting when we hit them. That is the most important thing we are doing here, we are teaching kids to hit. When hitting doesn't work, other violent means are used, knives and guns. We have got to set the example by showing our children that we can solve problems peacefully.

We have a very arbitrary nature of paddlings. The school board usually makes a nice sounding rule when it can be used. But when it goes on in the classroom, teachers use all sorts of reasons for paddling kids. You have heard about the two 5-year-old girls in Jacksonville that were paddled for snickering. We took that case to the U.S. Supreme Court. Tiffany Byers was paddled for not completing one question on her homework. She is 9 years old. Renee Mull, 14, was late to class. She was taken to the office in LaMarque, Texas. She refused the paddling, but she was pulled across a table by two teachers and given five hard swats by a third. You can imagine having a picture of that. Shawn Corpuz, 7, a little girl, was given two swats leaving pancake-size bruises for allegedly spitting out ice cream on her friend's plate in the cafeteria. She had actually split a popsicle with her friend. Another girl, Patricia Newsome, 14, put her hand behind her back to protect herself during a paddling. Her wrist was hit and fractured. The school refused to pay the $500 medical bill, saying it was no different than her falling while she was running down the hall.

Other kids have been paddled for stepping on the grass, wearing the wrong socks to gym, going out the wrong door, having shirttails out, or making low grades.

Also, we have the negative effects on children. Mrs. Schmidt said her daughter Tiffany, 9, was completely devastated, hyperventilating, and cried all night after a paddling at her school. Other kids have their stomach tied up in knots, have nightmares, and experience bedwetting

We shouldn't be doing this sort of thing to children, and Federal funds should not go to schools that use that method to treat their children.

There are many, many national organizations that have studied this issue carefully and come out against it. They include the National PTA, the American Academy of Pediatrics, the American Medical Association, the National Education Association, and so on. The AMA says, "The infliction of pain or discomfort is not a desirable method of communicating with children."

To end my testimony, I would like to say that you have an opportunity to act to protect children. Please do not pass the buck down to someone else. Thank you very much.

Chairman OWENS. Thank you very much.

[The prepared statement of Mr. Dunne follows:]

This picture was drawn by Brittany Schmidt age 6 in Kindergarten. We asked her what this picture was and she said "it is a kid at school getting a paddling. He was so scared his hair stood up." We asked her why he was so scared. She told us it was because the teacher was spanking him in the closet. Groveton, Texas 5-92

Testimony for the Subcommittee on Select Education hearing on H.R. 1522, June 18, 1992 in the Rayburn House Office Bldg., Washington D.C. By Jimmy Dunne, President, People Opposed to Paddling Students, 12651 Briar Forest, Suite 178, Houston, TX 77224 Phone 713/493-6232.

Good morning Chairman Major Owens and members of the committee. H.R. 1522 which will deny federal funds to schools that allow corporal punishment should be passed for the following reasons:

1. This is a national issue. School corporal punishment was abolished in Poland in 1783, Netherlands 1820's, Luxembourg 1845, Italy 1860, Belgium 1867, Austria 1870, France 1881, Finland 1890s, USSR 1917, Turkey 1923, Norway 1936, Romania 1948, China 1949, Portugal 1950s, Sweden 1958, Cyprus 1967, Denmark 1967, Spain 1967, Germany 1970s, Switzerland 1970s, Ireland 1982, England 1986, Scotland 1986, Wales 1986 and Northern Ireland 1986.

Just as we abolished slavery and passed civil rights laws, children should be protected at the highest level. We should not pass this issue down to every state, every school district, every principal, or every teacher.

2. This is a child protection issue. We should deny Federal funds where corporal punishment is used on children. School paddling sends a message that it is OK to hit children which encourages parents to hit their children at home. This increases child abuse, injury and even death. Two children die from child abuse every day in the U.S.

3. Paddling hurts the schools. Schools try to build the self-esteem in children. Paddling does just the opposite, knocking their self-esteem to the floor. This turns children off to education which increases the dropout rate, lowers the test scores and adds to the vandalism and violence. Children who are paddled become more aggressive causing more fights. Statistics show that schools with paddling spend more money on vandalism.

When paddling is abolished the school becomes more peaceful as the students are given more respect and they return that respect to the teachers and the school. Superintendent Jim Hensley of the Austin Ind. School Dist. said, "We cannot motivate people effectively in an atmosphere of fear and punishment."

4. Children of poverty and minority children are hit at higher rates. Such unequal treatment further handicaps and discourages the very children who most need to be encouraged.

In a 1991 survey by the Dallas Morning News, black students in Richardson were 11 times more likely to be paddled than white students (Plano 9 times, Garland 3 times). In the U.S. a black student is almost two times more likely to be paddled than a white student according to a survey by the Office for Civil Rights in 1988.

5. Corporal punishment is an integral part of America's cycle of violence. Parents and teachers are role models, when we hit children we are teaching them to hit. They learn to solve their problems by

hitting. When hitting doesn't work, other violent means are used - knives and guns. We should set the example by showing our children that we can solve problems peacefully.

6. The arbitrary nature of paddlings. When schools can hit children with boards they use this power for all the wrong reasons. In Texas two five-year-old kindergarten girls in Jacksonville were paddled and bruised for snickering in the hall.

Tiffany Byers, 9, was paddled in Groveton for not completing one question on her homework.

In LaMarque, Renee Mull, 14, was late to class. She refused a paddling but was then pulled across a table by two teachers and given five swats by a third.

Shawn Corpuz, 7, was given two swats leaving 'pancake size' bruises on her buttocks. She allegedly spit ice cream on her friend's plate in the cafeteria. She actually 'split' a popsicle with her friend.

Patricia Newsome, 14, put her hand behind her back to protect herself. Her wrist was hit and fractured. The school refused to pay the $500 medical bill saying this was no different than if she had fallen while running down the hall. Other Texas children have been paddled for stepping on the grass, wearing the wrong socks to gym, going out the wrong door, having shirttails out, low grades, etc.

7. Negative effects on children. Paddling causes children to be humiliated and angry. Her mom said Tiffany Schmidt, 9, was completely devastated, hyperventilating, and cried all night. Many have large bruises on their buttocks. They are afraid to go to school and fear their teachers. Young children have their stomachs tied up in knots, have nightmares and extra bed wetting.

8. Many national organizations have studied the issue and want the paddles put away. These include: American Academy of Pediatrics, American Bar Assn., American Civil Liberties Union, American Medical Assn.(AMA), American Psychiatric Assn., American Public Health Assn., Nat. Assn. for the Advancement of Colored People, Nat. Assn. of School Psychologists, Nat. Assn of State Boards of Education, Nat. Comm. for Prevention of Child Abuse, Nat. Education Assn., Nat. Parent Teachers Assn., U.S. Dept. of Defense: Office of Dependents Schools Overseas.

The AMA says, "The infliction of pain or discomfort is not a desirable method of communicating with children."

You have an opportunity to act, to protect children. Please do not pass the buck to someone else.

Sincerely, Jimmy Dunne Jimmy Dunne

PADDLING IS CHILD ABUSE!

BAN IT FROM OUR SCHOOLS

Artist: Pam Harper

The Brutal Reality.

The American Medical Association says. "The infliction of pain or discomfort, however minor is not a desirable method of communicating with children. Corporal punishment is in opposition to the AMA's declared intent to attack the widespread problem of child abuse. It has the potential for serious injury."

The National Parent Teachers Association says. "We urge school districts to develop disciplinary procedures which will result in positive behavior of students and to utilize techniques which are not based on physical abuse."

The American Bar Association says. "Corporal punishment of children should be considered a form of child abuse that is contrary to current knowledge of human behavior and sound education practices."

The bottom line is that we should not be hitting children. Corporal punishment promotes child abuse by sending a message that it is OK to hit children.

It hurts the schools because it destroys self esteem and turns children off from education which increases the dropout rate and lowers the test scores. When teachers hit, they are teaching children to hit which increases school violence.

School without paddles are more peaceful because they give the students more respect and the students return that respect to the teachers.

If you would like to get involved, contact us.

People Opposed to Paddling of Students, Inc.
or P.O.P.S.
P.O. Box 19045
Houston, Texas 77224
Phone (713) 493-5232
Jimmy Dunne, Executive Director

A Non-Profit Organization. Donations are Tax Deductible.

Chairman OWENS. Dr. Robert Fathman.

Dr. FATHMAN. Thank you, Mr. Owens, members of the committee. I am here as a clinical psychologist from Columbus, Ohio, and in my position as chairman of the National Coalition to Abolish Corporal Punishment in Schools. This is a coalition of about 35 mainline American institutions and organizations, many of which have been mentioned already: the PTA—Mr. Ballenger asked where the educators are. The National Education Association, the largest teacher union in the country, is a part of our coalition solidly on record opposing any form of corporal punishment in schools. They have had that position for 20 years, and it was reaffirmed a few years ago.

I am also here, though, as a father. I am here as a parent. I have four children. This is not in my formal testimony that you have copies of, but it was suggested that I tell you what propelled me as a person. I don't get paid to be here today. I am here at my own expense as a volunteer. But what motivates me on this particular issue is what happened to my own daughter, Nicole.

When my daughter was 6 years old, a first grader in a public school, the same school system my wife is a high school teacher in, she was made to bend over and hold her ankles and she was struck three times with a paddle like this [indicating]. And I would like to pass this around to you. I would like you to feel that. I would like you to see what it is like. This is very typical of Ohio paddles.

My daughter was in the top reading group in her first grade. Her offense was that she was told to underline the correct words on a reading paper, she drew circles around them by mistake. And for that all of her correct answers were marked wrong. She was given an F on the paper and taken out in the hallway with four other little 6-year-olds and hit three times with that board, or a board very similar to that.

That is the reason that I am here to talk to you today. I don't want that to happen to my children again, and when I have grandchildren I don't want that to happen to my grandchildren. And those of you who live in States like North Carolina where this is not only allowed but is endemic, need to be concerned about the effect of that. If you could just picture that happening to your 6-year-old child or grandchild, I think it might help you to view this differently.

I am going to focus today on reasons why we need Federal legislation rather than defer this decision to States or to local communities. Mr. Owens, you asked what I thought the opposition would say. I think this is the major thing, as Mr. Ballenger has already said. I think you are going to mostly hear arguments from opponents who say the Federal Government has no business doing this. But I am going to tell you why I think the Federal Government is absolutely correct in being involved in this and why I support your bill.

To say that we can defer this to someone else is to pass the buck. It adds some air of legitimacy and validity to child-beating in this country. We certainly can defer to schools, local school districts or State school districts certain curricula kinds of things. Perhaps in North Carolina we want more vocational agriculture classes. Perhaps in New York we might want more computer kinds of classes

or international trade kinds of classes. Those are things that we can leave to individual local school boards to make decisions on. But, to say that there is something that we can defer to others, says that there is something good about this practice.

You will not hear, I don't believe, from any opponent of the bill that there is something good about hitting children with boards, because there is no research on it. There is no national organization that will come before you and say it is a good idea to hit children, at least I have not come upon any in all of the testimony I have given around the country. So I think we need to say the Federal Government belongs in this because States have abrogated their ability to protect children, and the judiciary has done the same, as you have heard the previous two speakers address.

Some of the other reasons—Ms. Zielke, when she was speaking, mentioned about a half a dozen European countries that have abolished corporal punishment prior to us. I am not going to ask you to actually answer this question. But ask yourself this question in your minds: Does that mean that there are half a dozen countries in the world and we are kind of out there on a limb with them? Is corporal punishment widespread in the Orient and South America and Central America and the other European countries? The answer is absolutely not. We are almost alone in the world in not having Federal legislation to prohibit this. The only remaining industrialized countries in the world that allow teachers to hit children are South Africa, part of Canada, and one state in Australia, the desert outback region. The other states in Australia have all prohibited it.

Every other industrialized country in the world has absolutely prohibited this, starting with Poland more than 200 years ago. We are the laughingstock of the rest of the world. When Europeans come over here, and if you know any, ask them about this. They will tell you they can't believe that Americans with our concern, our record for human rights in the world would permit someone to pick up boards like the ones you have just seen and strike our children with them. They are aghast at it.

So we are joining the rest of the world community when we do this. There is that precedent. We have Federal precedent also in that corporal punishment was prohibited by the Navy in the 1850's. It has been prohibited by the military. The Pentagon—if anyone is concerned about school discipline or discipline in general, certainly it is the military—long ago prohibited corporal punishment in the schools it operates for its overseas dependents.

Schools are the only institutions in American society where one person is allowed to strike a defenseless other. The inconsistency regarding prisons certainly is demonstrated, not just in practice but in court protection. The U.S. Supreme Court at the end of February of this year, just 3½ months ago, said that prison guards in Federal prisons may not purposefully inflict pain for purposes of discipline of inmates. They may not strike an inmate. They can defend, just as this bill allows self-defense. This bill allows breaking up fights or seizing control of weapons—common sense kinds of things. But they may not purposefully inflict pain.

The judiciary protects prisoners. It is not protecting the youngest, most defenseless members of our society. I need you to protect

my children. I need you to protect my grandchildren and your grandchildren.

The Federal Government puts a lot of dollars into child abuse prevention. It is rather inconsistent that at the same time we are funding lots of programs around the country to prevent child abuse we are setting this other model. I had that paddle with me when I took the subway in this morning from National Airport. And as I was walking over here—it is about a 3 or 4 block walk from the Capital South subway stop—one of the Capital City's finest approached me, a policeman on the corner on foot patrol, and in a very nice, very courteous manner, he said: "You're not planning to use that thing on anybody around here today, are you?" And I assured him that I was not. I have been stopped at airports in the past and made to check that into the baggage compartment because it is seen as a threatening weapon. And yet we allow kindergarten teachers to hang it on nails next to their blackboards.

Mr. Goetz had to check with security here to be sure I would be allowed to bring this into the hearing room today. And yet public schools in 28 States, you know, have them. As Mr. Dunne said, they make them in wood shop. We have a terrible inconsistency.

Children in the South, Mr. Ballenger, are 4,000 times more likely to be struck during this coming school year than a child in the Northeastern quadrant of this country. And I would ask you are children 4,000 times more misbehaving in the South? Of course not. Children are the same anywhere. My children and your children act up, and they are good, and there is a mixture of behavior. Are teachers 4,000 times less well trained in the South? Of course not. Teachers are teachers. They are compassionate people who are very dedicated. They are concerned about their charges.

But we have a practice that is extremely inequitable in its use. If you were to be transferred by your company to Arkansas, watch out. Because in Arkansas there is one chance in 10 that your child is going to be victimized by corporal punishment this coming year. If, on the other hand, your child is a student in Utah, I think last year there was one child in the whole State struck. In my State of Ohio, 26,000 kids. Each day of the school year, starting in August when school begins, if this bill is not enacted by next August, each day, bear in mind, 6,000 children are going to be made to bend over, hold their ankles, and they are going to be struck at least three times with boards like you have seen today. So speed is of the essence.

And, with the umpteen zillions of school boards in this country and school board members, it is going to take forever to totally eliminate this practice that has no legitimacy.

So I am here today asking you to clear up the inconsistency, join the rest of the world community, end the discriminatory practice, and enact this very important piece of legislation.

I would be happy to answer any questions when you are ready.

Chairman OWENS. Thank you.

[The prepared statement of Mr. Fathman follows:]

STATEMENT OF ROBERT FATHMAN, CHAIRMAN, NATIONAL COALITION TO ABOLISH CORPORAL PUNISHMENT IN SCHOOLS, COLUMBUS, OHIO

Mr. Chairman and members of the subcommittee, I am Dr. Robert Fathman. I am a clinical psychologist in Columbus, Ohio, and I am here as Chairman of the National Coalition to Abolish Corporal Punishment in Schools. As you can see on our letterhead, this Coalition represents the position of many mainline American organizations on record calling for a complete end to school corporal punishment in this country. The Coalition includes the American Medical and Bar Associations, the National PTA, the National Education Association, the National Committee for the Prevention of Child Abuse, and many, many others.

To illustrate the problem which this bill corrects, I have brought with me today a paddle, given to me by an elementary school principal in Toledo. It is typical of boards used to hit children in the 28 States that still allow physical punishment. As I pass it around to you I want you to feel its weight, and picture a 200-pound man telling your children and grandchildren, even 5-year-old kindergarten girls, to bend over and hold their ankles while the adult hits them three times on the buttocks, often with a two-handed baseball type of swing.

That is corporal punishment in America today! In 28 States, teachers, coaches, principals, and even other students are allowed to strike children with boards like this, bruising, causing welts and hematomas and more serious injuries, and it is perfectly legal. The schools themselves report to the U.S. Department of Education that they hit nearly 1,000,000 children each school year. That is nearly 6,000 children a day who will be subjected to this beating next year unless we pass this bill.

By the way, that paddle you are examining causes me lots of problems. Airport security personnel have required me to remove it from carry-on luggage and check it into the baggage compartment of planes because it is seen as a weapon, and your committee staff had to seek permission from the Capitol security police for me to even bring it into this hearing, yet kindergarten teachers can hang them next to their blackboards at will!

Why shouldn't this be left to the States? Why Federal legislation? There are several answers:

1. **Federal policy is inconsistent. There is precedent.** Physical punishment is banned in the military, in prisons, and in the schools operated by the Pentagon for military dependents. Schools are the only remaining institution in society where one person is allowed to purposely hit a defenseless other person.

2. **Old habits die hard, some States will never abolish.** Just like the "States' rights" arguments in favor of segregation 30 years ago, we need Federal law to overcome the intransigence of cultural backwardness. New Jersey banned paddling 125 years ago, in 1867. Now we are up to 22 States. We cannot wait another 200 years to end this medieval practice carried over from the England of Charles Dickens.

3. **This bill will correct inequity.** A child in the south is over 4,000 times more likely to be struck than a child in the northeastern quadrant of the country next year. Are children in the south 4,000 times worse in behavior? Are not the teachers in the south just as capable as teachers in the northern States at maintaining good discipline without hitting? Of course they are. But if your company transfers you to Arkansas, watch out—your child has one chance in ten in that State of being hit with a board in school. Not by a bully but by a teacher. We have a right to expect equity as we move across State borders.

4. **The current use of corporal punishment is discriminatory. The recipients are most likely to be children in special education programs, and minorities.** The children most at risk in our society are the most often hurt by this practice.

5. **Almost every other industrialized country in the world has already prohibited corporal punishment, and by Federal legislation.** Corporal punishment is still used only in the U.S., South Africa, part of Canada, and in just about the outback region of Australia, among developed countries in the world.

6. **We pump Federal funds into child abuse prevention programs, yet allow teachers to model violence, teaching impressionable youngsters that there are times it is okay to strike children with boards when we are angry at them.** This is contradictory.

7. **This bill does not impinge on religious practice,** contrary to some of the letters you may have received. Federal courts have upheld laws that prohibit beating of children, and in the 22 States that have already banned, religion is not impeded.

In summary, this is important, overdue legislation that has the support of all of our member organizations. Implementing it costs nothing, and discipline will improve, with lower vandalism, and higher graduation rates. I strongly urge your support.

Thank you.

Chairman OWENS. Dr. Brown.

Dr. BROWN. Thank you, Chairman Owens, Mr. Ballenger, and members of the subcommittee, for the opportunity to appear before you to discuss issues that are very important to all students with disabilities.

On behalf of TASH—the Association for Persons with Severe Handicaps—I want to commend you for your commitment to the elimination of corporal punishment from this Nation's public schools, first through your efforts in the 101st Congress to ban corporal punishment for students with disabilities, and now through H.R. 1522, which expands your efforts to all students.

I am an Associate Professor of Special Education from Queens College, the City University of New York. Just prior to this position at Queens College, I spent 4 years as a clinical director of an agency that assisted people with very severe behavior problems to live, to go to school and to work in community settings. My work involved the design and implementation of positive behavioral interventions, and I continue to consult with schools and agencies in a similar capacity.

The Subcommittee on Select Education explored the possibility of a ban on corporal punishment for students with disabilities in 1990. The record from that hearing makes a clear statement about the special vulnerability of all students with disabilities to punishment in the classroom. My written testimony highlights some of the points made in those hearings. However, in the interest of time, I would like to focus today on specific vulnerabilities of students who exhibit more extreme behavior.

What we know for certain is that punitive strategies are only short-term solutions to problem behavior for anyone. Once the punishment or painful treatment is removed the behavior usually returns. Positive strategies instead allow the individual to learn new and more appropriate behaviors that are internalized and become a permanent part of the individual's repertoire. This is true for students with disabilities who demonstrate even the most challenging behaviors. For example, extreme self-injurious behaviors such as banging one's head into a wall or banging your own head with your fist, assaulting other people or tantrums which might result in devastating property damage. This is the premise, I believe, behind this bill, and I cannot emphasize enough how important H.R. 1522 is to students with disabilities.

I will briefly highlight some of the many reasons why students with disabilities must be included alongside their non-disabled peers in a bill to ban corporal punishment.

First, the use of aversive therapy in punishment is based on the assumption that positive procedures are at times not effective. Quite the contrary, there is an abundance of effective positive procedures that can be used with students of all ages and of all levels of disability and severity of disabilities. A ban on the use of punishment would force program designers to explore alternative positive procedures.

We have found that many individuals with disabilities are aggressive or hurt themselves because they are in situations where

they have few choices and where their voices are not heard. Their behaviors may be communicating some very important messages. Punishment ignores of does not respect the fact that the individual is trying to make a statement, and instead acts to suppress the undesired behavior. The person's severe problem behaviors are often a protest of the life that they are leading.

In my practice I work with the student to more appropriately communicate their messages. But, even more important, I work with instructional staff or teachers, agency care-givers, to teach them to listen to their students and to respect what their student is trying to say. Dramatic and lasting reductions in inappropriate behaviors is frequently seen by just listening to what the student is trying to communicate, respecting what the student is trying to communicate and giving the student an appropriate alternative way to say the same message. The student may have no other way to say I can't stand doing what you want me to do; I hate having to go to the bathroom when you tell me to go to the bathroom; I don't want to be on a diet, I have no one to talk to, I don't like the way that you talk at me.

Think about this: if you had no way to express these thoughts and no power to impact your environment, or if people knew what you wanted to say but purposely ignored it, what would your behavior look like? Punishment ignores these messages and instead focuses on the suppression of the inappropriate behavior.

If your child came home from school, threw himself on his bed, cried, screamed, although you would be interested in seeing the tantrum stop, your bigger concern will likely be to find out what happened at school that would cause this level of tantrumming. You would appear to be a cold and unfeeling parent if you did not concern yourself with your child's personal experiences that may have caused the tantrum.

Let me provide a few brief examples. I could critique and analyze each example for the many lessons that can be learned from them and it is rather frustrating not to be able to do so. But because of today's limited time, I can only hope that the examples will speak for themselves.

I consulted in a school concerning a student who was displaying aggressive behavior to his teachers. I was called in because they said that positives weren't working and they were hoping that they wouldn't have to resort to aversive programs. Here is what I say.

A young man was sitting in a chair that was in a corner with a desk closing him into the corner. On the desk were about 50 envelopes and 50 pieces of blank paper. "Fold these" were the instructions given to him.

After folding several, he attempted to get up, but the teacher pushed the table closer to him to secure him more tightly into the corner. Repeated instructions were given. The situation escalated to the point that he threw all the materials off the desk and aggressively shoved the desk out of his way. The teacher then stood up and said: "You are not going to win this one."

You see, the teacher's goal was compliance and control of the student. Rather than allowing this young man to take a break from the envelopes or, more ideally, to have him involved in something

more stimulating, which would have definitely avoided the undesirable behavior, punishment is considered.

Take, for example, Jeremy, 18 years old, who was tired of putting sticks in a box and indicated by sign language that he wanted to go to the bathroom. A severe incident of self-injurious behavior occurred when three instructional staff surrounded him, physically restrained him and forced him back to his seat to work and wait until his earned break. Rather than allowing him to take an unscheduled break from a tedious and meaningless work training which would again clearly have avoided the undesirable behavior, punishment again is proposed.

Second, punishment perpetuates a view of individuals with disabilities as less than human. Not only does the use of aversive procedures have an impact on the individual who is being punished, they also have a serious effect on the people who are implementing the procedures. What is the impact on the teaching staff who are supposed to carry out an aversive procedure? How does this affect the way they think about the student? Are they seeing this student with the same warmth and respect that they see a child in the regular second grade? Are they seeing this teenager as a person who is dealing with autonomy and independence issues, just like his non-disabled peers?

Take, for example, Patty, a teenager who was severely retarded and emotionally disturbed, and who also happens to be 10 pounds above the normal weight range. She starts to display verbal and physical aggression to others. Her educational team decided that she needed a restrictive calorie diet, which resulted in a loss of access to the refrigerator at home and an unappealing lunch at school. When she doesn't follow her diet, if she cheats on her diet, she loses some favorite activities at school, she loses TV privileges at home and a weekend movie, and the result is that her verbal and physical aggression escalates. Then we have some professional come in with a proposal for punishment and aversive therapy.

Consider, however, the 60 percent of the educational team who are also above the normal weight range who have never successfully dieted themselves. For some reason this youngster with disabilities is supposed to show the control that most of America does not. Aversive therapies are tried unsuccessfully with Patty. After a while, no one even remembers the reason that she is verbally and physically assaultive, and the reason being that she did not want to go on a diet. What is the educational team's perception of this youngster?

Take John, who was involved in an aversive program of water spray to his face and facial screening, which consisted of having him wear a stocking cap all seasons, and when he displayed his mild, self-injurious behaviors, which was this kind of stuff [indicating], the stocking cap was pulled down over his face. The psychologist who designed the program delineated possible side effects to water spray in the face, but she did not address John's possible emotional reaction to the procedure. She did not address the teacher's or teaching assistant's responses to the procedure.

She did, however, include the possibility of chafed skin if he went outside in the cold weather after being sprayed. This, however, she reported, could be easily controlled. What is this psychologist's per-

ception of this youngster? Upon observation of John, it was clear that he did not like the repetitious and boring tasks that he was asked to participate in day after day and month after month. His staff interacted with him in detached and demeaning ways. The only words spoken to him when I observed are about what he should do, what he shouldn't do, how to do it differently, and what should be done next. There were some words of praise such as "Good work, John."

These types of sterile and cold interactions are not found in typical environments of children in regular classes, or we hope not, anyway. Why were the professionals responsible for his program appalled when I suggested that John participate in more interesting activities and that he have more meaningful interactions with his educational staff? They fought to maintain the use of water spray and the use of facial screening. They fought against having to implement these very simple and humane ideas that I suggested. What were the staff's perceptions of this student?

In closing, let me say that corporal punishment is clearly unacceptable for America's students with or without disabilities. A few weeks ago I heard about the progress that was being made in aversive therapy: a shock device that neatly and unobtrusively fit inside the bottom of a student's sneakers. A remote control activated the shock to the bottom of the student's feet for the targeted inappropriate behaviors. Water spray shock to various body parts, spanking with paddles or spatulas, pinching and hitting students for either disruptive behavior or for not attending to their homework or not attending to the computer screen has no place in American schools, not even in the name of therapy or classroom management.

Thank you.

[The prepared statement of Dr. Brown follows:]

Dr. Fredda Brown, The Association for Persons with Severe Handicaps

TESTIMONY ON H.R. 1522, PROHIBITION ON THE USE OF CORPORAL PUNISHMENT IN FEDERALLY FUNDED EDUCATION PROGRAMS

Thank you, Representative Owens, for the opportunity to appear before you to discuss issues that are very important to students with disabilities. On behalf of TASH, The Association for Persons with Severe Handicaps, I want to commend you for your commitment to the elimination of corporal punishment from this nation's public schools, first through your efforts in the 101st Congress to ban corporal punishment for students with disabilities, and now through H.R. 1522, which expands your efforts to all students.

TASH is an organization of professionals, parents, individuals with disabilities and others who advocate with and on behalf of individuals with severe disabilities. We are committed to the use of positive behavioral interventions for students with disabilities who exhibit challenging behaviors. This commitment most certainly extends to all students.

I am Dr. Fredda Brown, and I am an Associate Professor of Special Education at Queens College, City University of New York. Prior to my position at Queens College, I spent four years as a Clinical Director of an agency that assisted children and adults with severe behavior problems to live and go to school in community settings. My work involved the design and implementation of positive behavior interventions. I continue to consult with schools in a similar capacity.

My colleagues on the panel this morning have provided you with rich information and statistical data on the incidence of corporal punishment in schools, states and municipalities that have and have not banned corporal punishment and some pretty staggering stories of abuse in the name of education. My comments this morning will be focused on the implications of H.R. 1522 for students with disabilities and the importance of approaching behavior challenges with positive interventions. I will close my testimony with my own clinical experiences with students who demonstrate behavioral extremes and strategies that have been successful in eliminating these behaviors through positive techniques.

During the Subcommittee on Select Education hearings on the reauthorization of the Individuals with Disabilities Education Act in 1990, the possibility of a ban on corporal punishment for students with disabilities was discussed. There were strong statements made at that time by Dr. Hyman, Dr. Kevin Dwyer and Steve and Sharon Allison in support of the elimination of corporal punishment. I would like to refer to parts of their testimony, for they are just as applicable today as they were two years ago.

o Students with disabilities in many cases display behaviors which are different from the school norms. This behavior makes them more vulnerable to receiving punishment at school because their behaviors are seen by the untrained as

defiant. Indeed, children with attention problems, poor motor coordination or poor listening comprehension may appear to be defiantly inattentive or sloppy in their work. Some children with disabilities may not be cognitively, neurologically or emotionally able to carry out the correct behavior required by the teacher to avoid corporal punishment.

o The Office of Civil Rights reported that according to data received in their office corporal punishment was used about 1,200,000 times in one school year. We know that 11% of the school population during that year was in special education. Simple mathematics would indicate, then, that corporal punishment was used about 132,000 on students with disabilities. There are many, however, who believe that students with disabilities may be "more frequently and severely punished than nonhandicapped youngsters" and would likely increase this number significantly.

o A parental request in the IEP that corporal punishment not be used on their child can be challenged or ignored by the local education agency, forcing parents into due process if they wish to challenge the schools. Parents have lost in courts several times on this issue.

o Just as with students without disabilities, the students with disabilities who are from minority or low income families, and who have little influence in their communities, are more vulnerable to corporal punishment.

The record was also replete with some pretty horrendous

newspaper reports regarding what I would clearly term abuse of students in the name of corporal punishment:

- Beatings of students with mental retardation for failing to learn;
- The use of cattle prods on students with autism; and
- An award of $50,000 in compensatory damages to a student with autism and his family for physical assaults by a teacher on the student to control behaviors.

These are just three out of what has already been cited as over a hundred thousand individual cases of corporal punishment. I believe the record is clear on the need to eliminate this punitive and painful management strategy from the classroom.

What we know for certain is that punitive strategies are only a short term solution to problem behavior for anyone. Once the punishment or painful treatment is removed, the behavior usually returns. Positive strategies, instead, allow the individual to learn new and more appropriate behaviors that are internalized and become a permanent part of their repertoire. This is as true for students with disabilities who demonstrate even the most challenging behaviors, for example, extreme self-injurious actions (such as banging one's head into a wall, assaulting others, or tantrums which result in devastating property damage). This is the premise, I believe, behind H.R. 1522, and I can't emphasize enough how important it is to students with disabilities.

I will briefly highlight some of the many reasons why students with disabilities must be included, alongside their nondisabled peers, in a bill to ban corporal punishment. This discussion will be based on my own clinical experiences with individuals who demonstrate behavioral extremes and strategies that have been successful in eliminating these behaviors through positive techniques.

First, the use of punishment is based on the assumption that positive procedures are at times not effective. Quite the contrary, there is an abundance of effective positive procedures that can be used with students of all ages and disabilities. A ban on the use of punishment would force program designers to explore alternative positive approaches.

We have found that many students with disabilities are aggressive or hurt themselves because they are in situations where they have few choices and where their voice is not heard; their behaviors may be communicating some very important messages. Punishment ignores, or does not respect the fact that the individual is trying to make a statement and instead acts to suppress the undesired behavior. The person's severe problem behaviors are often a protest of the life they are leading. In my practice I work with the student to more appropriately communicate messages, but even more important, I work with instructional staff to listen and respect what their student is trying to say. Dramatic and lasting reductions in inappropriate

behavior are frequently seen by just listening to what the student is trying to communicate, and giving the student an appropriate alternative way to say it.

The student may have no other way to say, "I can't stand doing what you want me to do!", "I don't want to go on a diet!", "I don't like the way you talk at me." Think about if you had no way to express these thoughts and no power to impact your environment; or if people knew what you wanted to say, but purposely ignored it? What would your behavior look like? Punishment ignores these messages and instead focuses on the suppression of the inappropriate behavior. If your child came home from school, threw himself on his bed, crying and screaming -- although you would be interested in seeing the tantrum stop, your bigger concern would likely be what happened at school that would cause the tantruming. You would appear to be a cold and unfeeling parent if you did not concern yourself with your child's personal experiences that may have caused the tantrum.

Let me provide a few brief examples. I could critique and analyze each example for the many lessons that can be learned from them, and it is rather frustrating not to be able to, however, because of today's limited time I can only hope that the examples will speak for themselves.

Example 1: I consulted in a school concerning a student who was displaying aggressive behavior to his teachers. I was called

in because they said that "positives weren't working," and they were hoping they wouldn't have to resort to aversive programming. Here is what I saw: The young man was sitting in a chair that was in a corner with a desk closing him in the corner. On the desk were about 50 envelopes and 50 pieces of blank paper. "Fold these" were the instructions given to him. After folding several he attempted to get up. The table was pushed closer to him, securing him more tightly into the corner; repeated instructions were given. The situation escalated to the point that he threw all the materials off the desk and aggressively shoved the desk out of his way. The teacher then stood up and said, "You are not going to win this one!" You see, the teacher's goal was compliance and control. Rather than allowing this man to take a break from the envelopes, or more ideally, to have him work on something more stimulating, which would have avoided the undesirable behavior, punishment was considered!

Example 2: Take, for example, Jeremy, 18 years old, who was tired of putting sticks in a box and indicated by sign language that he wanted to go to the bathroom. A severe incident of self-injury occurred when the 3 instructional staff surrounded him, forcing him to go back to his seat and work, and wait until his earned break. Rather than allowing him to take an unscheduled break from this tedious and meaningless work training, which would have avoided the undesirable behavior, aversive therapy is proposed.

Second, punishment perpetuates a view of individuals with disabilities as less than human.

Not only do the use of aversive procedures have an impact on the individual who is being punished, they also have a serious effect on the people who are implementing the procedures. What is the impact on the teaching staff who is supposed to carry out an aversive procedure? How does this affect the way they think about the student? Are they seeing this student with the same warmth and respect that they view the children in the regular 2nd grade? Are they seeing this teenager as a person who is dealing with autonomy and independence issues just like his nondisabled peers?

Example 1: Take, for example, Patty, a teenager who has severe retardation and emotional disturbance and who also happened to be 10 pounds above the normal weight range. She started to display verbal and physical aggression to others. Her educational team decided that she needed a restricted calorie diet, resulting in loss of access to the refrigerator at home and an unappealing lunch at school. When she doesn't follow her diet, when she cheats on her diet, she loses some favorite activities at school, TV privileges at home, and a weekend movie. Result - her verbal and physical aggression escalates. The professional comes in with a proposal for aversive therapy. Consider, however, the 60% of the educational team also above the normal weight range who have never successfully dieted! For some

reason, this youngster with disabilities is supposed to show the control that most of America does not. Aversive therapies are tried, unsuccessfully. After a while, no one even remembers that the reason the is verbally and physically assaultive is that she did not want to be on a diet. What is the educational team's perception of this youngster?

Example 4: Take for example, John who was involved in an aversive program of water spray to his face and facial screening (a stocking hat pulled over his face) for incidents of self-injurious behavior. The psychologist who designed the program delineated possible side effects to water spray in the face, did not address John's possible emotional reaction to the procedure, nor the teacher's or teaching assistants' responses to the procedure. She did, however, include the possibility of chafed skin if he went outside in the cold weather after being sprayed. "This, however," she reported, "could be easily controlled." What is this psychologist's perception of this youngster?

Upon observation of John, it was clear that he did not like the repetitious and boring tasks that he was asked to participate in day after day, and month after month. John's staff interacted with him in detached, demeaning ways. The only words spoken to him were about what he should do, not do, how to do it differently, and what to do next. Yes there were some words of praise such as, "Good work, John." These types of sterile and cold interactions are not found in typical environments of

children in regular classes. Why were the professionals responsible for his program appalled when I suggested that he participate in more interesting activities and that he have more meaningful interactions with the staff? They fought to maintain the use of the water spray and the facial screening; they fought against having to implement the simple and humane ideas that I suggested. What were staffs' perceptions of this student?

Summary:

Perhaps I have made positive behavior strategies to sound easy. Sometimes it is easy to identify the problem and solutions, and the challenge comes in trying to impact the environment, trying to overcome the resistance to reasonable and humane solutions.

Some cases, obviously, are more complex. In many cases, it takes special skills and training to develop effective positive behavioral strategies. Through the use of positive behavioral strategies that incorporate attention to each unique individual, I have seen dramatic changes in individuals with the most severe behavior problems. If these strategies are available and are effective, why aren't more professionals using them? I suggest several reasons:

1) Resistance to change;
2) The professionals own emotional history having to do with control;
3) Lack of knowledge of effective positive procedures;

4) Avoidance of human qualities;

5) Ease of using aversive procedures.

In a 1989 article describing the successful use of water spray in the face, it was argued that aversive procedures were easier to implement than positive procedures and required little training (Fehr & Beckwith, 1989). Does professional convenience justify the use of aversive therapy? Would you want major surgery performed by a physician who used the easiest and quickest surgical procedure rather than the procedure that resulted in long-term health benefits and an improved quality of life?

In closing, let me say that the alternatives to positive procedures are clearly unacceptable for America's students, with or without disabilities. Two weeks ago I heard about the "progress" that was being made in aversive therapy - a shock device that neatly and unobtrusively fit inside the bottom of a student's sneakers. A remote control activated a shock to the bottom of the student's feet for the targeted inappropriate behaviors. Water spray, shock to various body parts, spanking with paddles and spatulas, pinching, and hitting students has no place in American schools - not even in the name of therapy or classroom management. H.R. 1522 is a badly needed protection for this nation's students, and I once again commend you for your commitment to its passage.

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Chairman OWENS. Thank you. Mr. Ballenger?

Mr. BALLENGER. Thank you, Mr. Chairman. If I may, just in defense of North Carolina and the fact that we seem to be getting put down pretty badly here, I can understand why Mr. Dunne and Mr. Fathman—or Dr. Fathman, excuse me, are two leaders in this cause since your States rank worse than North Carolina, if I can understand that properly.

Dr. FATHMAN. In percentage figures, North Carolina is worse, or at least worse than Ohio.

Mr. BALLENGER. No. Your population is greater than ours and our numbers are smaller than yours. This is not my sheet.

Dr. FATHMAN. It doesn't matter who is worse.

Mr. BALLENGER. I am just defending myself.

Dr. FATHMAN. They are both bad and they both should be changed.

Mr. BALLENGER. I am trying to make you look as bad as I do.

Dr. FATHMAN. Okay. I am not going to defend Ohio's use of corporal punishment.

Mr. BALLENGER. Okay.

Dr. FATHMAN. It should be zero.

Mr. BALLENGER. It was pure self-defense that I brought that forward.

And being brought up in the period of time when Dr. Spock was—and I think Ms. Zielke might be of my age, I don't know.

Ms. ZIELKE. Probably am.

Mr. BALLENGER. You have my condolences too.

Ms. ZIELKE. Thank you.

Mr. BALLENGER. But recognizing that Dr. Spock taught us all to let our children do anything they wanted to, and please don't punish the kids, and so forth and so on, I think even he admits now that maybe he is wrong. But I would like to say that I am not one of these people that believes in walking around with a paddle and beating kids and all that kind of stuff. My own personal approach to the thing is that somewhere along the line schools, in my considered opinion, are better run when they are run at the local level where people that allow the violence that you speak of should be removed from office.

What really worries me to a very large extent is the fact that there is really no definition of what corporal punishment is in this bill, and second of all, that—and, again, you have got to realize where I come from I have almost no cities of any size, which means I have a large number of very small schools, and in consideration with the make-up of the committee that I have seen so far, very underfunded schools. The punishment would probably be much greater to these schools were there some parent that wanted to say, "My child was physically abused or corporally punished," or whatever the choice words are. I don't know how you prove that this is—I guess you go to court, and this little school system could not afford to continue in court, and therefore the poorest schools will be the ones least likely to be able to continue after the cut-off of Federal funds. Obviously, I am making a statement here and not asking a question.

Ms. Zielke, I would like to pose a problem that we ran into in North Carolina. I was in the State Legislature at the time, and we

put into the system our first daycare efforts. You mentioned the fact that everybody should be mandated to lose their Federal money if they don't have this.

Recognizing again that I am coming from a State that probably is much more likely to be church-oriented, say, than Washington, DC, and recognizing the fact that most of our—over half of our daycare centers were church schools run by the churches, we had one terrific difficulty there in fact trying to persuade the church schools to accept the fact that you couldn't paddle kids in school.

I am not the monster you think I am, but I am defending State rights.

Dr. FATHMAN. I didn't mean to imply you were anything negative at all. I realize people who grow up with paddling tend to think it is okay.

Mr. BALLENGER. That didn't bother me a heck of a lot.

Dr. FATHMAN. I apologize if you thought I was attacking North Carolina.

Mr. BALLENGER. Okay. But the problem we ran into was either we had to allow, if the parents gave permission and if it was done properly, whatever that means—I am sure that there is no real definition to it being done properly—if we didn't allow that, they were going to close their daycare centers, which would have cut out over half of the daycare centers in the State of North Carolina. There had to be a compromise of sorts, and that was the compromise that was made.

Now, realizing that—and I think our Chairman here would recognize that politicians have a tendency to try to reach a compromise that will work, whereas if you are not necessarily in charge of making the ultimate decision you can be as pure as you want to be. What do you see as the method, especially taking it all the way down to daycare, if the churches decide that they just don't want to do it? And I don't know that the Catholic church has any program at all as far as schools are concerned. That is a question. Do you have any answers to that?

Ms. ZIELKE. I don't have a clear answer. But my feeling would be that I don't know how much of that was just a threat that they would have to close. I think that if we are interested in protecting children in this country, we would have to say, yes, as Federal dollars are being appropriated and used by those centers, whether they are through the religious churches or not, that they would not be able to use corporal punishment.

I would have to say in response to your question about how corporal punishment is described generally there should be, if there are policies to use corporal punishment, a description of what that means. Generally it does allow parents to say that I want my child excused from corporal punishment. But, unfortunately, what we find in the public schools often is that parents aren't even informed of that right, even if a policy is developed that would give them that right. So many parents find out after the fact that they could have had a letter in the file, although I don't know how closely those files are adhered to.

As far as a description of corporal punishment, it is very clear that it is usually done with the paddle like the one that has been displayed and had a chance to put your hands on. I have been in a

school building where I heard the PA system say corporal punishment will be administered with a wooden paddle three times to those students who have need of it. I was appalled, because I had never heard an announcement like that.

Dr. FATHMAN. May I respond, Mr. Ballenger?

Mr. BALLENGER. Yes, indeed. Fire away.

Dr. FATHMAN. There are several States that do prohibit any use of corporal punishment in their daycare centers instead of in their public schools. I mean some States that allow corporal punishment in schools have prohibited it in their daycare centers. To my knowledge, no centers have closed. Those are good community services that those churches or other agencies provide. They are also at times income-producing, revenue-producing sources for those agencies and churches. And I believe, based on the experience in other States, that nobody would really close their doors to children because they weren't allowed to hit them. They would just be forced to be more creative in how they handle the problems children present.

Ms. ZIELKE. Mr. Chairman, may I respond to Mr. Ballenger's question earlier about how we would enforce this Federal law? It seems to me we have an example when we moved to a legal 21 drinking age in this country through the possible withdrawal of Federal highway funds if all States didn't comply. I think the statement through this legislation to all the States that if those schools are to receive Federal funds that State would have to pass the law to abolish corporal punishment, demonstrates an easy way of enforcing this. Those school administrators, then, who would continue to use it would certainly be without any defense at all in their use of it.

I have to say that educators are moving towards disciplinary practices without corporal punishment. In my own State, Illinois, there have been some studies that have shown what has happened to some principals who have used corporal punishment excessively: that has become a blot on their professional resume and record. Educators are being advised not to use corporal punishment because it would be damaging to their career. Now, for the wrong reason they are supporting the abolishment of corporal punishment, rather than for the good of the child. But I think as we become more sensitive to what is happening to children today, we can help them be responsible for their own behavior through other means, which, as we heard earlier, does take time in the classroom and will take time from instruction. Hopefully, we will help children through other methods to move to be self-disciplined.

My vision is that, whether or not we get into the argument of whether parents should or should not use physical punishment, the school and the home would come together to develop the discipline measures that are appropriate for young children to help them be better behaved and build on their self-esteem. The sense is that young parents, and my own included, are looking for positive ways of disciplining their children. They do not like the idea of using physical punishment.

So I think this is an opportunity for the schools to demonstrate some leadership, and if we can help those schools move to those

practices through workshops and training, we can then help the home to move towards more positive measures of disciplining.

And just a final point. The Scandinavian countries have outlawed physical punishment in the home.

Mr. BALLENGER. I didn't know that.

Ms. ZIELKE. And it is very, very successful. We have seen studies that have come back since 1980 when they moved towards that, and they have developed some——

Mr. BALLENGER. Well, what is the punishment for the parent that uses physical punishment?

Ms. ZIELKE. There are some fines of some sort.

Dr. FATHMAN. There is no punishment connected to that.

Ms. ZIELKE. Oh, there isn't?

Dr. FATHMAN. Unlike the laws that we have in this country where we tend to punish people if they violate them, in the four Scandinavian countries and Austria that have abolished it in the home, there is no punishment. It is just more of a statement of philosophy and belief in the form of law. But it has absolutely eliminated it in practice.

Mr. BALLENGER. Very fascinating. Thank you.

Chairman OWENS. Thank you. Dr. Brown, our committee has begun to get a number of comments and protests from the professionals in the field who insist that aversive therapy must not be curtailed in any way. As you know, in some States which ban corporal punishment, aversive techniques are still used with some children with disabilities, particularly those with self-injurious behaviors, as you mentioned before. Are aversive techniques not considered by these States to be corporal punishment, or is there some special procedure which these States follow or require to be followed to permit the use of aversive therapy in some cases?

Dr. BROWN. Well, I am not familiar with all States, but my opinion is that there is a general feeling that aversive programming is aversive programming, and I don't think people even like to think about it. I am talking about, say, teachers, who don't like to think about it, perhaps, as corporal punishment and it is a very discriminatory type of approach. I think aversive programming sounds like it is a scientifically-based type of approach that has a good rationale for it. I believe that there are absolutely no cases where aversive therapy or punishment is necessary on a student who has such severe self-injurious behavior or any other type of behavior problem.

Chairman OWENS. Now, don't you have colleagues who would disagree with you?

Dr. BROWN. Yes, I have colleagues that would disagree with me.

Mr. BALLENGER. Could I ask a question, please, if the gentleman would yield?

Chairman OWENS. Yes.

Mr. BALLENGER. What is considered—I don't know what aversive therapy is.

Dr. BROWN. The application of painful stimuli or humiliating types of experiences for the purpose of behavior reduction, electric shock included.

Chairman OWENS. You gave several examples. The electro-shock in the sneakers.

Dr. BROWN. Yes. There are devices such as——

Chairman OWENS. [continuing] the stocking over the face.

Dr. BROWN. Face. Arms. Legs. Inner thigh. Paddling. Hitting with spatulas.

But see, another issue that is going on is that those procedures are not just being used for the reduction of self-injurious behavior, they are also applied in many cases to people for reasons such as they are not attending to their task, they are being noncompliant, they are getting out of their seat. So it is not just being used for the self-injurious behavior. But even with extreme behaviors, there is an abundance of positive procedures that can be effectively used.

As I mentioned earlier, I think some people have the assumption that for some reason the aversive therapy procedures are stronger. But that is not the case. We have seen that time and time again, and I have worked with the most challenging people in the State of Connecticut.

Chairman OWENS. Can we assume this is a raging controversy within the profession?

Dr. BROWN. It is controversial; yes.

Chairman OWENS. Thank you. Dr. Fathman, I am shocked at the example you used with your own child. I don't know whether you were a doctor then, but I am sure you were a person with some power. Your child is not black. Your child is not disabled. Your child doesn't fit into the category of the youngsters who are usually victimized.

Was this procedure used as a part of the instructional program at the school?

Dr. FATHMAN. Yes.

Chairman OWENS. Where you paddle a child if they use circles instead of underlining?

Dr. FATHMAN. Well, I don't think there is really any prescribed procedure or standard for when children are paddled or are not paddled. It is just used at the whim of the individual teacher whenever they want to.

In the district in which we lived, I was a psychologist in town and my wife was a teacher in this small town school district. We didn't think it would happen to our children. I mean we are successful people, you know, have an expensive home in the suburbs and car phones, and our kids are bright and we prepare them well for school. Corporal punishment is supposed to happen to those terrible bullies on the playground in the middle school who are 19 years old and still in seventh grade. It is not supposed to happen to my kid in the first grade.

But my wife and I went to our children's teachers at the beginning of each school year at the PTA meetings, and we said to them, "Please don't hit our children. We don't hit them in our home. We don't want you to do it in school. You can interrupt either one of us on our jobs if there is a problem. We are strict. We will back you up. We will give you any support you need for any problem. Please don't hit our kids." And it happened anyway. I mean it happened to my kid, and I was on a first name basis with everybody in that school system, and so was my wife. I mean they even know us and they have heard our request not to do it.

And when we found out, we found our daughter whimpering in bed at 10 o'clock at night. She was too humiliated even to come home and tell us about it. It made her feel she was an evil person.

When we heard about it, I called the teacher at home, got nowhere. I met with the teacher and the principal the next morning before school to discuss it. My wife and I went to the superintendent's office that afternoon. We finally went to the school board. And all of them said the same thing: Well, the teacher didn't do anything in violation of State law or school board policy, and that was correct.

And that is what—you know, I decided any law that allowed someone to do that to my child so arbitrarily when she was successful—I mean she got all of the answers correct on her paper. The instructions were confusing. The teacher had even misspelled words in her own instructions on the paper. And here it was backed up by the entire system.

I am not an activist even though I might look like one. I mean I am just Mr. Low Key Suburbia, station wagon in the driveway. And, you know, here I am before Congress. I can hardly believe it, you know, that I am here today. But when someone does something like that to your child and you find out that the law allows it—it took me 10 years after that happened to get that school board to prohibit corporal punishment.

Chairman OWENS. That was my next question. Even without a law in the State of Ohio, in that particular area has there been any change?

Dr. FATHMAN. That school board finally abolished, but we had to throw the rascals out and bring in a complete new school board and a new superintendent before we could finally get it prohibited. And I talked to that school board the way I am talking to you today about it, and the teacher was there. She didn't dispute the facts. And they just said, Well, you know, a higher law allows that and she didn't do anything wrong. And that is true. It is still true today.

Chairman OWENS. Which means that a new school board could come back, could be elected and reinstated?

Dr. FATHMAN. That is right. It could be. And so, if it can happen to my little white, blond, curly hair, blue-eyed girl, you know, I believe it certainly can happen to everybody's kid. I never believed it would happen, and it does time and again. Twenty-six thousand kids a year in my State.

Chairman OWENS. A similar question, Mr. Dunne. In reference to the case in Texas where they ruled that any punishment up to the use of deadly force is permissible, how long ago was that ruling? And has there been any change, just in terms of the evolution of mankind, in that State?

Mr. DUNNE. That is our State law. The State law says that school personnel can use any force up to, but not including, deadly force to maintain control in the schools.

Chairman OWENS. Is that the law, or was it an interpretation by a judge in a particular case?

Mr. DUNNE. That is what the law reads. And there are State laws that really don't address corporal punishment in particular, but they use that law to back-up corporal punishment. I really feel

like that law is intended to restrain unruly kids, rather than to take them over and, you know, beat them with a board. But that is what they are using. The legislature has never passed anything to hold back corporal punishment. It is a difficult issue to pass through the legislature, so we hope that the Federal Government will cut off funds to the schools that use it.

And, to answer Mr. Ballenger's question about how the Federal Government would enforce it, I think every school district that receives Federal funds would have to show in their rules that corporal punishment is not allowed before they would get Federal funds. I don't think they would have to pass a State law to get Federal funds, but each school district would have to show that they are not using it somehow.

Chairman OWENS. This relates to my concluding question. In the kind of world we live in—as we move toward a new world order with the emphasis on human rights and with numerous comparisons being made from one nation to another, especially the nations within the industrialized grouping, in terms of world-class education systems and practices—do you think that this problem is getting any better by itself or is it likely to get better without some kind of Federal action?

Mr. DUNNE. In my opinion, it is getting better gradually but very slowly. There is still a lot of unwarranted paddlings going on. I think we need to think about the fact that if you saw your neighbor paddling their kid out in the driveway you would report them for child abuse. This is a very vicious and brutal act, and no school district would ever allow anybody to come in there with a camera and film these paddlings. They just wouldn't allow that. That would be too embarrassing and too shocking to the public to show an actual paddling on television, even though it is a legal thing that they are doing out there.

So that shows how much they are embarrassed about this. Whenever the news media starts looking into why they are doing these paddlings, they hide it and don't let people really know what is going on. When you show through the media what ridiculous reasons they are using to beat on these kids, that often forces them to stop.

But I would hope that the Federal Government would go ahead and withhold these funds to any district. I think that would be a very good stimulus for them to take action. You would not be forcing them to do it, but you would be giving a very good persuasive carrot for them to take that action.

Chairman OWENS. Ms. Zielke?

Ms. ZIELKE. Yes, I would like to reply. I don't think we have to look globally to see how this country represents itself toward human rights, but to look at those education goals that have been adopted by the administration and the governors, specifically the one to create a drug-free and safe environment for learning. We are aware that children who have never had corporal punishment administered to them live in fear and are intimidated by the atmosphere that is created through the use of corporal punishment. They have empathy for their classmates and they live in fear of that, and I don't know that that creates the right environment for learning.

Chairman OWENS. Thank you very much. I want to thank all of the panelists.

You have another comment?

Dr. BROWN. Yes. In the area of people with severe disabilities, I think that the situation is getting worse. I think one of the reasons is the current advanced technology that we have, allowing people to become "very scientific and electronic" about——

Chairman OWENS. I am horrified by the example you gave of the electronic shock in the sneakers.

Dr. BROWN. And once this type of therapy seems to become scientific and almost medical, a lot of people in the public, the lay public, backs off because it seems to be so scientific and so medical. They feel like, How can I say anything about this? This must be really high tech, advanced type of therapy.

Chairman OWENS. Also, it doesn't leave any bruises for you to photograph.

Dr. BROWN. That is true.

Chairman OWENS. Thank you very much. Your entire testimony will be entered in the record. If you have any further comments, the record will remain open for the next 10 days.

Thank you very much for coming.

[Whereupon, at 12:37 p.m., the subcommittee was adjourned, to reconvene subject to the call of the Chair.]

[Material submitted for the record by the following is available at the subcommittee office:]

Davis-Young, Lenell, School Psychologist, Baton Rouge, Louisiana;

Maurer, Dr. Adam, Executive Director, End Violence Against the Next Generation, Inc.;

Riak, Jordan, Executive Director, Parents and Teachers Against Violence in Education, Danville, California;

Thirty-seven letters from organizations and individuals supporting H.R. 1522.

[Additional material submitted for the record follows:]

STATEMENT OF SHALOMA SHAWMUT-LESSNER, CHAIR, FLORIDA COALITION TO ABOLISH CORPORAL PUNISHMENT IN SCHOOLS, MIAMI, FLORIDA

The Florida Coalition to Abolish Corporal Punishment in Schools urges the members of the United States House Select Education Committee to vote "Yes" on H.R. 1522 introduced by Major R. Owens, Chair and Sponsor. In addition we are asking that each member support co-sponsor this bill.

For the record we wish to address our many concerns about the epidemic rise of child abuse in the schools of our Nation, through the guise of the legal use of Corporal Punishment, i.e., the paddle, as a means for disciplining children.

We are strongly opposed to this practice and request that this position statement including the accompanying statistics on abuse, petitions, information and recommendations be read into the Congressional Record.

Over 65,000 children in the State of Florida, from kindergarten through 12th grade, have innocently fallen victim to painful and harmful beatings in school during the school year 1989–1990. The beatings are legal by State law which even specifies the size of the paddle, which must be two feet long, one half inch thick and four inches wide.

Certain legislators are against corporal punishment in schools and have worked to abolish it. They state they have done their best and quote the 1989 Florida Statute which allows individual "school boards to allow or to prohibit corporal punishment."

The fact that a school board may *choose* to prohibit corporal punishment, does not lessen the charge that the State legislature has, in fact, agreed that children are permitted to be victims of abuse.

It is difficult to understand why any person should want to cause pain to a child. However, there *are* those in charge who do. The majority of the officials in charge, the principals etc., are usually men and frequently have been football coaches.

These are shameful facts! Corporal punishment is legal in the State of Florida. A fact so shameful, that one ought to speak of this in hushed tones.

I invite you to consider the evidence. The pain and suffering experienced by children who have been physically punished resonate through time, first during the seemingly endless days and nights of childhood and adolescence and later through their lives as adults. Everything remains recorded in our innermost beings, and the effects of punishment permeate our lives, our thought, our culture, and our world, frequently erupting into violent and antisocial behavior. Witness acts of violence and vandalism in schools in Miami and other schools in cities across the Nation, witness the recent rioting and destruction in our major cities. Ask could it be possible that some of the seeds of distrust could have been born in people when they were young and in school? Could the lesson of violence be part of that distrust? And don't we all agree that the public school is meant to be the very foundation of our democratic structure. How is it then that in the United States in these very same schools the use of corporal punishment as a disciplinary method is allowed thereby teaching the students that "might makes right." Appalling isn't it?

Most recently the Congress passed a law against hitting animals with a lethal instrument. Specifically mentioned was the use of the paddle.

We have laws to protect adults in the military and even incarcerated prisoners and inmates of mental institutions against physical abuse. Shouldn't we have laws to protect children in schools?

We want Florida and the rest of the Nation to discontinue this barbaric practice, and join the other 22 States who have already abolished corporal punishment either by resolution or by law.

We once again urge the House Select Committee on Education to vote "yes" on H.R. 1522. Vote to deny Federal funds to schools that allow corporal punishment. Our Nation needs a new awakening and laws which will protect *all* the children of our land. We urge you to recognize that the law as it now exists is obviously arbitrary and variable from State to State and county to county. This arbitrary law protects certain children against abuse (no paddling) while other children do not have this protection under the law (paddling allowed).

Our Nation's children need a new law to protect them from physical abuse in school. A law in which justice and freedom from fear and/or physical force can prevail in a sound educational environment that is minus the corporal punishment factor and whose educational practices are consistently honorable.

These rights must be granted to all the Nation's schoolchildren regardless of age, economic status, parental or familial circumstance, gender or racial diversity. Certainly, the political, religious and racial demography of an area determines which group of students are most likely to be paddled. As an example, recently a female

Haitian-born student had her arm broken by a teacher in Dade County, Florida. Neither the students, nor their parents can mount a meaningful objection to corporal punishment because it is permitted by State law in Florida.

Misguided persons, often teachers, principals and other school personnel, religious leaders, some parents and legislators feel that corporal punishment is necessary to maintain discipline in the schools even though scientific studies have shown this practice to be harmful. Even Supreme Court Justices have issued rulings that have fostered the continued practice of corporal punishment in schools. We offer the example of the landmark Ingraham v. Wright case. Two students from Dade County, Florida (boys), were severely beaten by the principal and assistant principal and subsequently were hospitalized. Their infraction was being slow in leaving the auditorium. Discussing the Court's ruling that this did not constitute "cruel and unusual punishment," Justice Blackmun said it was a "sad day in the history of the Supreme Court." We ask the House Select Committee on Education to recommend to the Congress that steps be taken to abolish corporal punishment in the Nation's school systems by denying funds to those schools which allow this practice,

We know that many of you will find the strength to fight with us for legislation which will eliminate this horrible law. We believe that among you are leaders for a "Just Cause." We know that, because in the past, some of you have tried and we know that you will try again. We want to believe that all of you are good people and can recognize the injustice of corporal punishment and will join Major R. Owens and the other sponsors to vote "yes" for H.R. 1522.

Together we can reach our ultimate goal, which is for our common good, a better, a more loving environment, for the collective growth for all the children in the State of Florida and our Nation, for the adults they can become. Adults whose contributions will elevate our complex society and the world of understanding.

STATEMENT OF FLORIDA COALITION TO ABOLISH CORPORAL PUNISHMENT IN SCHOOLS, MIAMI, FLORIDA

The Florida Coalition to Abolish Corporal Punishment in Schools (FCACPS) is a non-profit corporation organized under the laws of Florida and is an affiliate of the National Coalition to Abolish Corporal Punishment in Schools. The Coalition is an organization of parents, child advocates, physicians, medical professionals and educational mental health organizations seeking to ban corporal punishment as a means of disciplining students in schools.

Schools are the only institutions in the United States in which striking another person is allowed and condoned. It is not allowed in prisons, the military, nor in mental hospitals. **Over 65,000 children in grades K through 12 are paddled annually as a means of discipline in the State of Florida.** Although 21 States have outlawed this violent archaic practice, Florida has not.

The FCACPS has established a Legal Defense Fund to support legal action necessary to abolish corporal punishment in the State of Florida. We ask your help.

STATEMENT OF FLORIDA NATIONAL ORGANIZATION FOR WOMEN

CORPORAL PUNISHMENT IN FLORIDA SCHOOLS

WHEREAS, over 65,000 children in grades K through 12 in Florida schools are paddled annually, and approximately 30,000 are females, and

WHEREAS, 92.5 percent of corporal punishment is designated and administered by primarily male administrators and teachers, and

WHEREAS, corporal punishment legitimizes violence and aggression as a method of problem solving by precisely those adults the child or adolescent is expected to emulate, encouraging his/her own use of violence and aggression, and

WHEREAS, in the overwhelming majority of cases, battering husbands and battered wives were routinely exposed to corporal punishment when they were children either receiving it, witnessing it or both, and

WHEREAS, corporal punishment is based on the psychology of fear and is demeaning to the individual, and

WHEREAS, corporal punishment is the most flagrant and destructive of the many ways through which children are victimized through coercive power, and

WHEREAS, the physical abuse of persons incapable of protecting themselves is antiethical to feminist and democratic values.

THEREFORE BE IT RESOLVED that the Florida National Organization for Women (NOW) oppose the use of corporal punishment in Florida schools and all other institutions, public and private, where children are cared for and educated, and

BE IT FURTHER RESOLVED that Florida NOW establish a Task Force to work to pass a statute law abolishing corporal punishment.

STATEMENT OF GLORIA GOLDFADEN, MA, AND KAREN A. SMITH, ESQ.

Public schools are the only institutions in which corporal punishment is permitted for misbehaving. It has not been permitted in prisons since the 1940's; juvenile facilities forbid its use; the armed forces outlawed it since 1957, and no mental hospitals, foster care or day care centers may engage in this practice. While it is illegal to beat a dog, schoolchildren in 27 States can be hit repeatedly just for misbehaving.

Corporal punishment is the infliction of pain or bodily restraint as punishment for wrongdoing. In many schools, it is accomplished by hitting administered with a paddle although some schools are non-specific about the type of instrument to be used.

In its 1991 report, *Creating Caring Communities*, the United States Advisory Board on Child Abuse and Neglect stated that "the use of corporal punishment in schools is intrinsically related to child maltreatment. It contributes to a climate of violence, it implies that society approves of the physical violation of children, it establishes an unhealthy norm."

The U.S. Advisory Board also recommended that corporal punishment be banned in all activities, programs, institutions and facilities which receive Federal financial support of any kind.

"Firm discipline does not by definition mean hitting kids. When teachers have to resort to beating children, they have already lost control," according to Mary Hatwood Futrell, former president of the National Education Association.

Schoolchildren are the only class of individuals who can be legally beaten. Paddling can result in welts and bruises which would be considered evidence of child abuse if administered by a parent instead of by a principal. Corporal punishment in schools contradicts the well established public policy of protecting children from child abuse.

Corporal punishment does not improve academic performance or misbehavior. Research instead indicates that it increases aggression and vandalism, which is often directed against schools.

Corporal punishment is discriminatory: minorities, poor whites and mentally and physically handicapped children are more likely to be corporally punished than middle and upper class whites. Nearly every professional association concerned over health and social issues has denounced this form of discipline.

While corporal punishment is legally banned in 23 States, the other States are either ignoring the seriousness of the issue or rationalizing their purposes for keeping the practice. Currently, concerned Federal legislators are trying to find ways to outlaw corporal punishment nationally. One way is to withhold Federal dollars from States which have not prohibited its use. Vocalizing support for H.R. 1522, the legislation which accomplishes this means to an end, will help this bill become a law aimed at child protection.

In the final analysis, corporal punishment must be banned from educational institutions because its practice is philosophically damaging to Children's Rights. As long as children can still be beaten with sticks in institutions of any kind, America will never be recognized fully as a civilized country.

STATEMENT OF BARBARA W. WHITE, PHD, ACSW, PRESIDENT, NATIONAL ASSOCIATION OF SOCIAL WORKERS

Mr. Chairman and members of the Subcommittee on Select Education:

The National Association of Social Workers (NASW) is the largest organization of social workers in the world, representing 140,000 professionals. These social workers are employed in a wide array of settings including schools, child and family service agencies, mental health centers, hospitals, industry, and the justice system.

In 1984, the NASW Delegate Assembly adopted a formal policy statement opposing corporal punishment of children in schools and custodial settings. In 1990, NASW Delegate Assembly expanded their opposition by adopting a policy on physical punishment of children which states the "NASW opposes the use of physical punishment in homes, schools, and all other institutions, both public and private, where children are cared for and educated."

Forty-two States now prohibit physical punishment in residential institutions or agency group homes, and 37 States prohibit physical punishment of children in foster care. The attached May 1, 1992 report on "U.S. Progress in Ending Physical Punishment of Children by Law or Regulation" summarizes these and other noteworthy developments.

School social workers, child protective service agency social workers, and social workers in other child and family settings are all too familiar with the negative consequences of physical punishment. Research has documented the following outcomes:

Some physical punishment is outright physical abuse—even in schools.

Some physical punishment intended only to teach a lesson without hurting a child escalates to physical abuse—even in schools.

Physical punishment which is not abuse, that does not cause an injury or more than momentary pain, often results in either aggression against others or withdrawal and psychological problems—problems for schools and families and communities.

Physical punishment teaches a child that physical force and aggression are sanctioned means of resolving conflict—especially when demonstrated in school settings.

It has become increasingly clear to practicing social workers that physical punishment of children in any setting is not an effective way to encourage desirable behavior; to enhance children's ability to learn expected skills, abilities, and attitudes that are necessary for effective interaction with others; or to develop self-esteem and a sense of morality. It is also clear that in a significant number of cases, physical punishment goes too far, resulting in child abuse.

Many schools have demonstrated that teachers can manage their classrooms without the threat of physical punishment, and resources that assist teachers to do this are widely available.

As long as citizens of the United States sanction the use of physical punishment of children, we will have the negative outcomes enumerated above and sustain our propensity for violence. H.R. 1522 presents an opportunity to send an important message both to our educational systems and to the U.S. public.

H.R. 1522 is consistent not only with the National Association of Social Workers' policy but also with Recommendation B-3 in the Second Report of the U.S. Advisory Board on Child Abuse and Neglect (1991) which states "... the Federal Government should take all necessary steps to eliminate the use of corporal punishment in all activities, programs, institutions and facilities which receive Federal financial support of any kind."

Thank you for giving this important issue your attention. We look forward to working with you to achieve passage of H.R.1522.

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STATEMENT

of the

AMERICAN MEDICAL ASSOCIATION

to the

Subcommittee on Select Education
Committee on Education and Labor
United States House of Representatives

Statement

RE: Corporal Punishment in Schools

Statement for the June 18, 1992 Hearing Record

The American Medical Association is pleased to submit this statement for the June 18, 1992 hearing record against corporal punishment in schools.

This issue, as well as all matters relating to child abuse, is an important physician concern. The AMA first addressed this issue in a 1985 report (Report AA) from the AMA Board of Trustees, adopted by the AMA House of Delegates at its June 1985 Annual Meeting. The 1985 report supported the abolition of corporal punishment in schools, encouraged universities that train teachers to emphasize alternative forms of discipline during their training, and encouraged parents and school personnel in those school districts having abolished corporal punishment to ensure the implementation of such policy.

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Background

Statement

Corporal punishment has been used as a form of discipline in American schools for more than 200 years. During Colonial days, it was an accepted and often preferred method of handling disciplinary problems in school, and it was [illegible] to strike students regularly for any and all infractions of the rules. In addition, some religious practices of the time advanced regular corporal punishment both at home and in school in the belief that one could "beat the devil" out of recalcitrant children.

This practice was not seriously questioned until the late 19th century. In the 1870s, public outrage over several much-publicized child abuse cases resulted in the formation of organizations to combat child abuse and to protect children. Among the child welfare issues that received a great deal of publicity was opposition to the use of corporal punishment as a disciplinary method by the schools. The turn-of-the-century literature indicates that many educators disapproved of corporal punishment, and some thought that it was rarely used. No longer seen as necessary to maintain order in the school, corporal punishment generally was abandoned in favor of more humane forms of discipline. By the mid-1920s, the American public's interest in the issue of corporal punishment for the most part disappeared from the public arena for the next four decades.

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The second major child welfare movement began in the 1960s and continues today. Issues regarding the health, safety, and rights of children have once again gained national attention. Child welfare advocates have condemned corporal punishment as child abuse and have fought to deprive this form of discipline of legal status, charging that it is the only officially [illegible] abuse that remains in this country.

Statement

Among organizations in this country today on record as opposing corporal punishment in schools are the American Medical Association, American Academy of Pediatrics, Society of Adolescent Medicine, National Education Association, American Civil Liberties Union, National Committee for the Prevention of Child Abuse, American Public Health Association, and American Psychological Association.

Current Use of Corporal Punishment

The AMA finds it very distressing that recent studies indicate that the use of corporal punishment in schools throughout the country is still not infrequent. Despite the existence of a number of current state laws and state and local school board regulations prohibiting its use, it has been reported that the restrictions are ignored in many cases and that corporal punishment is administered even in schools that officially have banned the practice. While the type of corporal punishment administered varies, the reality is that we must all work to eliminate this abuse.

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Medical and Psychological Consequences of Corporal Punishment

Statement

Although injuries beyond soreness and redness of the skin requiring medical attention resulting from corporal punishment in schools are relatively rare, the use of corporal punishment has the potential of causing injuries including ruptured blood vessels, massive fat emboli, sciatic nerve damage, muscle damage and even brain hemorrhage.

Further, the psychological effects of corporal punishment can be as harmful as the physical effects, if not more so. These potentially long-lasting effects include:

- loss of self-esteem;
- increased anxiety and fear;
- impairment of ego functioning;
- feelings of helplessness and humiliation;
- stifled relationships with others;
- aggression and destruction both at home and at school;
- self-destructive behavior, often culminating in suicidal gestures; and
- limited attention span and hyperactivity in school, leading to deficient academic performance.

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Educational and Social Consequences of Corporal Punishment

Statement

Although discipline is a major consideration in the administration of a school, the primary objective of the educational system is to prepare students to become healthy, productive adults. Research concerning the effects of corporal punishment on the learning process has indicated that its use is [illegible] of this objective.

In addition to corporal punishment not being suitable for children, this punishment technique discourages teachers from seeking more effective means of discipline, and it dehumanizes the school environment by inclining everyone in the school community to regard students as less than human.

Alternatives to Corporal Punishment in Schools

Recent polls of teachers, parents and the general public continue to identify discipline as a major problem in education today. Proponents of the use of corporal punishment argue that teachers must be free to use whatever means are necessary to maintain order. Opponents argue that a well-planned disciplinary program features effective alternatives to physical abuse. A positive disciplinary program includes activities that help teachers and administrators assume control and establish order with the cooperation of the students. Examples of positive disciplinary

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activities are: modeling good behavior, reinforcing positive behavior, improving communication between students and educators, establishing policies that demonstrate mutual respect between students and educators, and inviting student input when developing disciplinary policies. If the program is successful, disciplinary problems are prevented because students receive rewards for controlling themselves.

Statement

Noncorporal punishment should be administered only when positive discipline fails and infractions of the rules occur. Types of nonphysical punishment are: detention, chores, expulsion, behavior modification, discussion with students and parents, withdrawal of privileges, counseling, verbal reprimands, social isolation and empathy training.

With the use of these alternatives, many schools have abolished corporal punishment as a means of maintaining order. Research comparing schools that use corporal punishment with those that do not prove that it is not needed to foster a climate suitable for learning.

Conclusion

The infliction of pain or discomfort, however minor, is not a desirable method of communicating with children. It is especially undesirable given the variety of alternatives available to educators. In addition,

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the official sanction of corporal punishment imparts approval to actions that have the potential for serious injury. The AMA finds that the use of corporal punishment by educational and other institutional personnel violates the goal to eliminate the widespread problem of child abuse. Institutional violence only serves to put a seal of approval on abuse as a means of control, and this type of sanction cannot be tolerated. The AMA strongly supports efforts to eliminate corporal punishment in our schools.

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